





NOTICE OF PLAN DOCUMENT AMENDMENTS AND AMENDMENTS TO RULES AND REGULATIONS BY THE FIRE AND POLICE PENSION ASSOCIATION OF COLORADO (“FPPA”)

On **December 15, 2022**, the **Fire and Police Pension Association (“FPPA”)** held a public rule-making hearing to consider the Amended and Restated **FPPA Rules and Regulations**, amendments to the **Statewide Money Purchase Plan Document**, the **FPPA Multi-Employer Deferred Compensation Plan Document**, the **Colorado Springs New Hire Pension Plan Rules & Regulations**, the **Colorado Springs New Hire Pension Plan Fire Component Plan Document** and the **Colorado Springs New Hire Pension Plan Police Component Plan Document**. Public comments were invited on the proposed revised rules and plan document amendments through December 8, 2022. No comments were received, and the revised rules and plan document amendments are deemed adopted.

A description of the subjects and issues involved in the amendments to the **Defined Benefits System**, the **Statewide Retirement Plan**, the **Statewide Money Purchase Plan**, and **Affiliated Old Hire and Volunteer Firefighter Plans Rules and Regulations** are as follows:

- Amending the Rules and the Statewide Money Purchase Plan Document to comply with recently enacted statutory amendments in HB22-1034 concerning the merger of the defined benefit pension plans administered by FPPA to include a repeal and reenactment of the FPPA Rules and Regulations; a repeal of the Statewide Defined Benefit Plan Document; a repeal of the Statewide Hybrid Plan Rules and Regulations and the Statewide Hybrid Plan Document.
 - Establishing an Internal Revenue Code Section 415(m) Excess Benefit Arrangement.
 - Adding and clarifying definitions applying to the FPPA Defined Benefit System, the Statewide Retirement Plan, and affiliated plans.
 - Clarifying the definition of “Normal Retirement Age”.
 - Clarifying the process for a Department Chief to exempt themselves from participation in the Statewide Retirement Plan and elect to participate in an alternate pension plan.
 - Adopting in the Rules the different options available to Members for payment of a defined pension benefit.
 - Amending the Rules to clarify the Reentry and Affiliation process for an employer to join the Statewide Retirement Plan.
 - Amending the service credit purchase rules to clarify that a Member in one of the Lifetime Benefit Components must have: one year of service credit covered by the Plan before acquiring service credit for prior public employment upon a qualified plan-to-plan transfer of funds from an eligible retirement plan; one year of service credit covered by the Plan before purchasing service credit for periods of active service in the U.S. military; and five years of service before acquiring service credit for previous private employment.
 - Amending the Rules to state that if a domestic relations order divides a Separate Retirement Account, but the Member has been retired for disability before the Member would have been eligible to receive the defined benefit retirement, the Member’s Separate Retirement Account shall not be divided.
 - Removing references to Deputy Executive Director.
 - Clarifying how evidentiary hearings are set.
 - Clarifying that the Executive Director may include instructions on considering additional issues, conducting additional proceedings and hearings, and adding Employers as parties on a remand to the Hearing Officer.
 - Clarifying that within 60 days from the date of mailing or emailing election information to the Employer, an authorized representative of the Employer must certify the results of the Member election.
 - Amending the Rules to include that all records received from or sent to third-party investment managers and entities containing trade secrets, privileged information, and confidential commercial information, are not open to the public as provided in the Colorado Open Records Act at C.R.S. § 24-72-204, except as necessary for FPPA to conduct business and meet its fiduciary obligations, and except to the extent a document is specifically identified by the sender as being a document that may be made available in the public domain.
 - Amending the Rules to provide that in order to comply with C.R.S. § 31-31-302(8)(d), FPPA shall publish and make available for the public on an annual basis the name of each investment vehicle in which the association directly invests, the aggregate amount of money invested in the investment vehicle or commingled investment vehicle, and the rate of return realized on the investment since the investment’s inception.
 - Amending the Rules to state that volunteer fire departments, if allowed to affiliate with FPPA, may only elect to affiliate a defined benefit volunteer pension plan.
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- Amending Rules to clarify that if a volunteer firefighter plan is allowed to affiliate with FPPA, the plan shall be required to sell or convert certain of the plan's assets prior to affiliation.
 - Amending the Rules and the Statewide Money Purchase Plan Document to update FPPA's address.
 - Amending the Rules and the Statewide Money Purchase Plan Document to comply with recent amendments and to update references to the Internal Revenue Code, Treasury Regulations, and federal legislation.

A description of the subjects and issues involved in the amendments to the **Colorado Springs New Hire Pension (CSNHPP) Plan Rules and Regulations**, the **Colorado Springs New Hire Pension Plan Document for Fire Component**, and the **Colorado Springs New Hire Pension Plan Document for Police Component** are as follows:

- Amending Rules and Plan Documents to comply with recently enacted statutory amendments in HB22-1034.
- Amending the Rules and Plan Documents to reference an Internal Revenue Code Section 415(m) Excess Benefit Arrangement as established by the FPPA Rules and Regulations for the FPPA Defined Benefit System.
- Amending the Rules and Plan Documents to provide consistency with FPPA Rules and Regulations.
- Amending the service credit purchase rules to clarify that a Member must have: one year of service credit covered by the Plan before acquiring service credit for prior public employment upon a qualified plan-to-plan transfer of funds from an eligible retirement plan; one year of service credit covered by the Plan before purchasing service credit for periods of active service in the U.S. military; and five years of service before acquiring service credit for previous private employment.
- Clarifying that if a domestic relations order divides a Separate Retirement Account, but the Member has been retired for disability before the Member would have been eligible to receive the defined benefit retirement, the Member's Separate Retirement Account shall not be divided.
- Removing references to Deputy Executive Director.
- Amending the Rules and Plan Documents to update FPPA's address.
- Amending the Rules and Plan Documents to comply with recent amendments and to update references to the Internal Revenue Code, Treasury Regulations, and federal legislation.

A description of the subjects and issues involved in the amendments to the **FPPA Multi-Employer Deferred Compensation Plan** are as follows:

- Amending the Plan Document to update FPPA's address.
- Amending the Plan Document to clarify that upon separation from service, an aggregate account which constitutes an eligible rollover distribution may be rolled over to another Eligible Plan if the Eligible Plan receiving the amounts provides for the acceptance of a plan-to-plan rollover.
- Amending the Plan Document to clarify the maximum amount of a loan from the plan.
- Amending the Plan Document to comply with recent amendments and to update references to the Internal Revenue Code, Treasury Regulations, and federal legislation.

At the hearing, all interested individuals were given an opportunity to present arguments and evidence concerning the proposed rule changes. The Board adopted Resolutions 2022-07, 2022-08, 2022-09, 2022-10, 2022-11, and 2022-12 which included the proposed changes and the Statements of Basis, Purpose and Statutory Authority for all rule and plan document changes. Current versions of all the FPPA Rules & Regulations, the Statewide Money Purchase Plan Document, the Colorado Springs New Hire Pension Rules and Plan Documents, and the FPPA Multi-Employer Deferred Compensation Plan Document are on file in the FPPA offices, as well as on the FPPA website at FPPAco.org. If you would like a copy of the amended rules and plan document, or the supporting statements, please contact the FPPA offices at telephone number (303) 770-3772 or (800) 332-3772.

Any questions concerning this rulemaking should be directed to Mike Sutherland, Benefits Counsel at telephone number (303) 770-3772, x2312.

Dated at Denver, Colorado, this 28th day of December 2022.

