

RESOLUTION NO. 2019-70

A RESOLUTION ADOPTING AND ENTERING INTO THE TRUST AGREEMENT FOR THE COLORADO FIREFIGHTER HEART AND CANCER BENEFITS TRUST AND TAKING OTHER ACTIONS IN CONNECTION THEREWITH

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

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

WHEREAS, in order to provide such benefits, an employer, which includes the City of Lafayette (the “[District/City/Town/Authority]”) is authorized to participate in a multiple employer health trust; and

WHEREAS, the governing body of the City of Lafayette [District/City/Town/Authority] has authority under Article XIV, Section 18(2)(a) of the Colorado Constitution, and Sections 10-3-903.5, 29-1-201, et seq., 29-5-302, and 29-5-402, C.R.S., as amended, to participate with other employers in a multiple employer health trust for the provision of such benefits and for related claims handling, risk management, and other functions and services related to such benefits; and

WHEREAS, the governing body has reviewed the Trust Agreement for the Colorado Firefighter Heart and Cancer Benefits Trust, a copy of which is attached hereto as Exhibit A, by and through which the Members (as defined therein) desire to establish a trust (the “Trust”) and provide a benefit plan that provides firefighter heart and circulatory malfunction benefits and a benefit plan that provides cancer benefits consistent with the provisions of Part 3 and Part 4 of Article 5 of Title 29, C.R.S., as specified in the Colorado Firefighter Heart and Circulatory Malfunction Benefits Plan and Colorado Firefighter Cancer Benefits Plan (collectively, the “Plan”); and

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

WHEREAS, the governing body finds that membership and participation in the Trust and Plan would be in the best interests of the City of Lafayette [District/City/Town/Authority], its employees and its taxpayers; and

WHEREAS, the governing body by this enactment desires to adopt and enter into the Trust Agreement for the Colorado Firefighter Heart and Cancer Benefits Trust, and to take other actions in connection therewith.

NOW, THEREFORE, BE IT RESOLVED that the City Council [governing body] of the City of Lafayette [District/City/Town/Authority] hereby:

1. Approves the contract entitled Trust Agreement for the Colorado Firefighter Heart and Cancer Benefits Trust, a copy of which is attached hereto as Exhibit A and incorporated into this Resolution by this reference (the "Trust Agreement").
2. Authorizes and directs the presiding officer of the governing body to execute the Trust Agreement on behalf of the City of Lafayette [District/City/Town/Authority].
3. Directs that staff transmit to the Colorado Firefighter Heart and Cancer Benefits Trust (the "Trust"), McGriff, Seibels & Williams Inc., PO Box 1539, Portland, OR 97207-1539, executed and attested copies of this Resolution and such Trust Agreement.
4. Designates Sarah Hayes, Senior HR Analyst/Risk Manager as its initial Member Representative to the Trust and designates Dan Garrett, Acting Fire Chief as its initial Alternate Representative to the Trust, such persons having the addresses stated below.
5. Representative Mailing Address: City of Lafayette, 1290 S. Public Rd., Lafayette, CO 80026

Representative E-mail address: sarahh@cityoflafayette.com

Alternate Representative Mailing Address: City of Lafayette, 1290 S. Public Rd., Lafayette, CO 80026

Alternate Representative E-mail address: dang@cityoflafayette.com
6. Understands that, with the adoption of this Resolution and subject to the terms of the Trust Agreement, the City of Lafayette [District/City/Town/Authority] becomes a Member of the Trust, with its participation to commence effective as of the date determined in accordance with the Trust Agreement. The governing body of the City of Lafayette hereby requests, unless other dates are later

designated by the governing body, that coverage should begin on the following dates for the following type of coverage:

Date	Coverage
<u>as previously established</u>	Heart and Circulatory Award Coverage
<u>01/01/2020</u>	Cancer Award Coverage

IN WITNESS WHEREOF, this Resolution was adopted by a majority vote of the City Council [governing body] of the City of Lafayette [District/City/Town/Authority] on the _____ day of November, 2019.

ATTEST:

Sign: _____
Print Name: Susan Koster
Title: City Clerk

Presiding Officer
Alexandra Lynch

Name in Print
Mayor

Title