

**RESOLUTION
BOARD OF DIRECTORS OF THE
EVANS FIRE PROTECTION DISTRICT**

A RESOLUTION APPROVING SUBSTITUTION OF THE EVANS FIRE PROTECTION DISTRICT FOR THE CITY OF EVANS AS PLAN SPONSOR ON THE VOLUNTEER FIREFIGHTER PENSION PLAN AND NEW HIRE STATEWIDE DEFINED BENEFIT PLAN

WHEREAS, in July 2010, the City Council of the City of Evans ("**City**") established a project to organize the Evans Fire Protection District ("**Fire District**") pursuant to the Colorado Special District Act ("**Act**"), C.R.S. § 32-1-101 *et seq.*, to provide the fire suppression, fire prevention and public education, rescue, extrication, and emergency medical services (collectively, "**Emergency Services**") that were then being provided by the City's Fire Rescue Department;

WHEREAS, at an election held on November 1, 2011, the eligible electors of the Fire District voted to approve the Fire District's organization in accordance with its approved Service Plan, and also voted to approve the Intergovernmental Agreement for the Transfer of Emergency Services ("**IGA**") between the Fire District and the City. The Fire District was legally organized for all purposes under the Act on November 9, 2011;

WHEREAS, pursuant to C.R.S. §§ 32-1-1001(1)(h) and 32-1-1002(1)(g), the Fire District Board of Directors ("**Board**") has the power to manage, control, and supervise all of the Fire District's business and affairs, and to create and maintain a paid firefighters' pension fund in accordance with C.R.S. § 31-31-101, *et seq.* ("**New Hire Pension Act**"), and a volunteer firefighters' pension fund in accordance with C.R.S. § 31-30-1100, *et seq.* ("**Volunteer Pension Act**");

WHEREAS, the City sponsors the City of Evans New Hire Statewide Defined Benefit Plan ("**New Hire Plan**") for the purpose of providing pension benefits to qualified paid firefighters in accordance with the New Hire Pension Act, and the City of Evans Volunteer Firefighter Pension Plan ("**Volunteer Plan**") for the purpose of providing pension benefits to qualified volunteer firefighters in accordance with the Volunteer Pension Act. The New Hire Plan and Volunteer Plan are administered by the Fire and Police Pension Association ("**FPPA**");

WHEREAS, pursuant to the Fire District's Service Plan and the IGA, the Fire District must be substituted for the City as the plan sponsor on the New Hire Plan and the Volunteer Plan, and must assume all rights, obligations, and duties of the plan sponsor under such plans. Upon substitution of the Fire District for the City on the New Hire Plan and the Volunteer Plan, the City will cease to be the plan sponsor on the New Hire Plan and the Volunteer Plan, and will have no rights, obligations, or duties of a plan sponsor under such plans;

WHEREAS, FPPA has prepared and submitted to the Board the documents required by FPPA to substitute the Fire District for the City as the plan sponsor for the New Hire Plan

and the Volunteer Plan ("**Substitution Documents**"), with an effective date for such substitution of January 1, 2013; and

WHEREAS, the Board has considered the attached Substitution Documents, and believes it is in the best interests of the Fire District, its paid and volunteer firefighters, and its citizens, and is consistent with the Fire District's obligations pursuant to its Service Plan and the IGA, to approve and execute the Substitution Documents.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE EVANS FIRE PROTECTION DISTRICT, WELD COUNTY, COLORADO:

1. The Board approves the following Substitution Documents in the forms attached hereto:

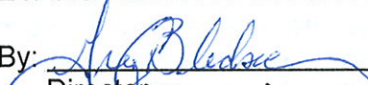
- Agreement between the Fire District and FPPA substituting the Fire District as plan sponsor on the Volunteer Plan and providing for the administration and management of the Volunteer Plan, attached hereto as **Exhibit A**.
- Pension Authorization Form, attached hereto as **Exhibit B**.
- Volunteer Fire Membership Form, attached hereto as **Exhibit C**.
- New Hire Plan Membership Form, attached hereto as **Exhibit D**.

2. The Board President, Mary Achziger, or if the Board President is unavailable, the Board Vice President, David James, is authorized for, on behalf of, and in the name of the Fire District, to execute the Substitution Documents, and to take all other actions necessary or appropriate to facilitate substituting the Fire District for the City on the Volunteer Plan and the New Hire Plan, all in accordance with the terms of the Substitution Documents.

3. The Fire Chief is authorized to coordinate with the Fire District's legal counsel and FPPA, and to take all actions necessary or appropriate, to ensure that all eligible Fire District paid and volunteer firefighters who wish to participate in the Volunteer Plan or New Hire Plan, as appropriate, are properly enrolled in such plan(s) according to FPPA's requirements.

RESOLVED this 15th day of November, 2012.

BOARD OF DIRECTORS OF THE
EVANS FIRE PROTECTION DISTRICT

By: 
Director

By: 
Director

By: 
Director

By: 
Director

By: absent
Director