

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

A RESOLUTION APPROVING THE FORM AND DISTRIBUTION OF NOTICES OF ACCEPTANCE, OFFERS OF EMPLOYMENT, AND THREE-YEAR EMPLOYMENT CONTRACTS RELATED TO THE TRANSFER OF EMERGENCY SERVICES PERSONNEL FROM THE CITY OF EVANS TO THE EVANS FIRE PROTECTION DISTRICT

**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 (i), the Board has the power to manage, control, and supervise all of the Fire District's business and affairs, and to appoint, hire, and retain employees;

**WHEREAS**, pursuant to the Fire District's Service Plan, the IGA, and the Intergovernmental Agreement for the Lease of Emergency Services Personnel between the Fire District and the City, effective June 5, 2012 ("**Lease**"), after Step Two of the Fire District's Funding Process is complete (Section V(2)(b), Service Plan) and the Fire District is financially capable of providing Emergency Services directly to the citizens and property within its jurisdiction, the Fire District must make an offer to employ each City Emergency Services employee in the position held and at the compensation earned as a City employee at the time the Fire District makes the offer, and must accept all of the City's volunteer Emergency Services personnel into the Fire District's Volunteer Program;

**WHEREAS**, on August 1, 2012, the Fire District gave notice to the City ("**City Notice**") that: (1) Step Two of the Fire District's Funding Process is complete (Section V(2)(b), Service Plan); (2) on or before January 1, 2013, Fire District will be financially capable of providing Emergency Services directly to the citizens and property within its jurisdiction; and (3) the Fire District intends to make an offer to employ each City

Emergency Services employee and to accept all of the City Emergency Services volunteers into the Fire District's Volunteer Program effective January 1, 2013;

**WHEREAS**, in order to promote a stable workforce during the transition from City- to Fire District-provided Emergency Services, and pursuant to the Service Plan, the IGA, and the Lease, each City Emergency Services employee who accepts employment with the Fire District must, as a condition of employment, enter into a three-year employment contract with the Fire District, which employment contract must include the customary terms related to termination for cause and other specified terms;

**WHEREAS**, in anticipation of and preparation for the transfer of the City's Emergency Services personnel to the Fire District, the Board directed the Fire District's Chief Staff and consultants to prepare and submit to the Board, prior to its August 27, 2012 meeting, a proposed Notice of Acceptance into Volunteer Program to all City Emergency Services volunteers ("**Notice of Acceptance**"); a proposed Offer of Employment to all City Emergency Services employees ("**Offer of Employment**"); and a proposed three-year employment contract to all City Emergency Services employees ("**Employment Contract**"). Copies of the proposed Notice of Acceptance, Offer of Employment, and Employment Contract are attached to this Resolution; and

**WHEREAS**, the Board has considered the attached proposed Notice of Acceptance, Offer of Employment, and Employment Contract, and believes it is in the best interests of the Fire District, and consistent with the Fire District's obligations under its Service Plan, the IGA, and the Lease, to approve the form and distribution of the proposed Notice of Acceptance, Offer of Employment, and Employment Contract.

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

1. The Board approves the Notice of Acceptance, Offer of Employment, and Employment Contract, each in the form attached hereto.
2. The Fire Chief is authorized for and on behalf of the Fire District to distribute a Notice of Acceptance to each City Emergency Services volunteer, as defined in the Lease, on or about November 1, 2012, in accordance with the terms of the City Notice.
3. The Fire Chief is authorized for and on behalf of the Fire District to distribute an Offer of Employment and Employment Contract to each City Emergency Services employee, as defined in the Lease, on or about November 1, 2012, in accordance with the terms of the City Notice.
4. The Fire Chief is authorized for, on behalf of, and in the name of the Fire District to execute all Employment Contracts properly returned to the Fire Chief and signed by a City Emergency Services employee on or before the deadline stated in the Offer of Employment.

RESOLVED this 27th day of August, 2012.

BOARD OF DIRECTORS OF THE  
EVANS FIRE PROTECTION DISTRICT

By: *Kamil Jones*  
Director

By: *Mary Czerny*  
Director

By: *Stephen Bernade*  
Director

By: *Jocia L. Watson*  
Director

By: *Absent*  
Director