

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

A RESOLUTION ADOPTING A PROCESS FOR VERIFYING YEARS OF CREDITABLE SERVICE EARNED BY FORMER VOLUNTEER FIREFIGHTERS FOR PURPOSES OF RECEIVING BENEFITS FROM THE VOLUNTEER FIREFIGHTER PENSION FUND

WHEREAS, the City of Evans ("**City**") previously established a Volunteer Firefighter Pension Fund ("**Volunteer Pension Fund**") with the Fire and Police Pension Association ("**FPPA**") to provide benefits to volunteer firefighters providing services to the City's Fire Department. In November 2011, the Evans Fire Protection District ("**Fire District**") was organized pursuant to the Colorado Special District Act, C.R.S. § 32-1-101, *et seq.* ("**Special District Act**"). Thereafter, responsibility for all emergency services then being provided by the City's Fire Department was transferred to the Fire District; however, from the date of the Fire District's organization until December 31, 2012, all of the City's Fire Department personnel remained employees and volunteers of the City and were leased to the Fire District to provide emergency services;

WHEREAS, on January 1, 2013, all of the City's Fire Department personnel were transferred to, and became employees and volunteers of, the Fire District, and the Fire District assumed control and management of the Volunteer Pension Fund. At that time, the Fire District established a Volunteer Firefighters' Pension Fund Board of Trustees ("**Pension Board**") in accordance with the Volunteer Firefighter Pension Act, C.R.S. § 31-30-1100, *et seq.* ("**Volunteer Pension Act**");

WHEREAS, the Fire District Board of Directors ("**Fire District Board**") and Pension Board have determined that records regarding former volunteer firefighter service prior to January 1, 2013 are lacking, complicating the ability of the Pension Board to determine the years of creditable service earned by former volunteer firefighters before such date for purposes of receiving benefits under the Volunteer Pension Fund;

WHEREAS, pursuant to C.R.S. §§ 32-1-1001(1)(h), (m), and (n) and 32-1-1002(1)(g), the Fire District Board has the power to manage, control, and supervise all of the Fire District's business and affairs, to adopt rules and regulations for carrying out the business and affairs of the Fire District, to create and maintain a volunteer firefighters' pension fund in accordance with Volunteer Pension Act, and to exercise all rights and powers necessary or incidental to or implied from the specific powers granted to the Fire District by the Special District Act; and

WHEREAS, the Fire District Board is responsible for funding the Volunteer Pension Fund from the public moneys received by the Fire District, and must uphold its fiduciary duty to the taxpayers and citizens of the Fire District as it relates to such funding. Accordingly, the Fire District Board desires to adopt a process for determining the years of creditable service earned by former volunteer firefighters prior to January 1, 2013, when the District assumed control and management of the Volunteer Pension Fund.

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

1. The Board hereby adopts the process set forth in paragraphs 2 through 5 of this Resolution, which the Pension Board shall use to determine the years of creditable service earned by former volunteer firefighters prior to January 1, 2013, when the District assumed control and management of the Volunteer Pension Fund.

2. First, the Pension Board shall consider the FPPA Annual Census Reports attached hereto as **Exhibit A** as the primary records regarding the creditable service earned by former volunteer firefighters prior to January 1, 2013. Handwritten corrections to FPPA-provided information on any FPPA Annual Census Report shall be deemed authoritative.


3. Second, upon receiving a former volunteer firefighter's application for benefits from the Volunteer Pension Fund, the Pension Board, or its designee, shall determine the years of creditable service earned by the former volunteer firefighter as shown by the FPPA Annual Census Reports for all years prior to January 1, 2013, and by the District's personnel records for all years beginning on and after January 1, 2013.

4. Third, the Pension Board or its designee, if applicable, shall notify the former volunteer firefighter of his/her years creditable service as shown by the FPPA Annual Census Reports, and his/her years of creditable service, if any, as shown by the District's personnel records for years beginning on or after January 1, 2013.


5. Fourth, if the former volunteer firefighter disputes his/her years of creditable service as shown by the FPPA Annual Census Reports, he/she may submit evidence to the Pension Board demonstrating different creditable service earned by him/her than is shown by the FPPA Annual Census Reports. The Pension Board shall consider the evidence and determine, in its discretion, whether such evidence satisfactorily establishes creditable service earned by the former volunteer firefighter. The Pension Board shall notify the former volunteer firefighter of its determination regarding the evidence submitted by former volunteer firefighter, and the former volunteer firefighter's total years of creditable service following such determination.

RESOLVED this 26th day of February 2018.


BOARD OF DIRECTORS OF THE
EVANS FIRE PROTECTION DISTRICT



Director



Director



Director



Director



Director