

RESOLUTION NO. 2023-2

**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 § 29-5-301 of the 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 Part 3, Article 5 of Title 29, C.R.S.; and

**WHEREAS**, under state law, specifically C.R.S. § 29-5-402, 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 Part 4, Article 5 of Title 29, C.R.S.; and

**WHEREAS**, in order to provide such benefits, an employer, which includes Hartzel Fire Protection District [District/City/Town/Authority/Division] is authorized to participate in a multiple employer health trust; and

**WHEREAS**, the governing body of the Hartzel Fire Protection District [District/City/Town/Authority/Division] has authority under Article XIV, § 18(2)(a) of the Colorado Constitution, and C.R.S. § 10-3-903.5, §§ 29-1-201, et seq., § 29-5-302, and § 29-5-402, 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 governing body finds that the payment of contributions into the Trust and Plan benefits for firefighters satisfy important public purposes; and

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

**WHEREAS**, the governing body finds that membership and participation in the Trust and Plan would be in the best interests of the Hartsel Fire Protection District [District/City/Town/Authority/Division], 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 Board of Directors [governing body] of the Hartsel Fire Protection District [District/City/Town/Authority/Division] hereby:

1. Approves the contract titled 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 Hartsel Fire Protection District [District/City/Town/Authority/Division].
3. Directs that staff transmit to the Colorado Firefighter Heart and Cancer Benefits Trust (the "Trust"), McGriff Insurance Services, P.O. Box 1539, Portland, OR 97207-1539, executed and attested copies of this Resolution and such Trust Agreement.
4. Designates Brian Cook as its initial Member Representative to the Trust and designates Melissa Kash as its initial Alternate Representative to the Trust, such persons having the addresses stated below.
5. Representative Mailing Address: P.O. Box 10, Hartsel, CO 80449

Representative E-mail address: Chief@hartselfire.org

Alternate Representative Mailing Address: P.O. Box 10, Hartsel, CO 80449

Alternate Representative E-mail address: Admin@hartselfire.org

6. Understands that, with the adoption of this Resolution and subject to the terms of the Trust Agreement, the Hartsel Fire Protection District

[District/City/Town/Authority/Division] 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 Hartsel Fire PD 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>3-9-2023</u>	Heart and Circulatory Award Coverage
<u>3-9-2023</u>	Cancer Award Coverage

IN WITNESS WHEREOF, this Resolution was adopted by a majority vote of the Board of Directors [governing body] of the Hartsel Fire Protection District [District/City/Town/Authority/Division] on the 9th day of March, 2023.

**Presiding Officer:**

Cynthia McArthur  
Signature

CYNTHIA McARTHUR  
Print Name

PRESIDENT, HFPP  
Title



**Attestation:**

Ann M. Grothe  
Signature

Ann M. Grothe  
Print Name

Secretary, HFPP  
Title

**Exhibit A**  
**(Executed Trust Agreement)**