

**RESOLUTION OF THE BOARD OF DIRECTORS
OF
GVR METROPOLITAN DISTRICT**

**DECLINING PARTICIPATION IN THE COLORADO PAID FAMILY AND MEDICAL
LEAVE INSURANCE (FAMLI) PROGRAM**

WHEREAS, in November 2020, Colorado voters approved Proposition 118, codified in §§ 8-13.3-501, *et seq.*, C.R.S., establishing the Family and Medical Leave Insurance Program (“FAMLI”) to provide Colorado workers paid leave for qualifying family and medical circumstances; and

WHEREAS, FAMLI will be funded by premiums paid by Colorado employers, employees, and, independent contractors that elect to participate in the in the program; and

WHEREAS, FAMLI premium collection commences January 1, 2023, and benefits begin January 1, 2024; and

WHEREAS, FAMLI provides that any “local government” “employer” as defined by §§ 8-13.3-503(14), 29-1-304.5(3)(b), C.R.S. and § 8-13.3-502(8), C.R.S., may register with the program by January 1, 2023, and a local government employer that fails to register by January 1, 2023 will be deemed a participant in the program; and

WHEREAS, FAMLI provides in § 8-13.3-522, C.R.S., that a local government employer may decline participation in the program upon a majority vote of its governing body, provided the governing body first holds a public hearing on the matter with prior written notice to employees summarizing the program and vote process and giving employees opportunity to submit comments on the matter; and

WHEREAS, the FAMLI Act’s definition of “Employee” includes a two-prong exception which excludes persons primarily free from control in the performance of their work, and that work is part of their independent profession or trade; and

WHEREAS, a local government employee whose employer declines participation may elect to participate in the FAMLI program; and

WHEREAS, a local government employer declining participation may elect to help facilitate its employees’ participation by collecting and remitting the employee premiums; and


WHEREAS, the Board of Directors of GVR Metropolitan District (“District”) held a public hearing to consider whether to participate in the FAMLI program at a public meeting held Wednesday, November 16, 2022, at 6:30 p.m. at the GVR Metropolitan District Office, 18650 East 45th Avenue, Denver, Colorado; also accessible via Go to Meeting, and District employees were provided written notice of the public hearing and opportunity to comment on the District’s participation in the program at the public hearing; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DISTRICT AS FOLLOWS:

1. The Board of Directors finds and determines that, with regard to the public hearing on the decision of whether to decline participation in FAMLI, notice was given and the hearing was conducted in accordance with FAMLI and the rules and regulations adopted by the Colorado Department of Labor and Employment.
2. The Board of Directors, acting for and on behalf of the District, hereby declines participation in the FAMLI program.
3. The District will not facilitate premium collection and remittance for employees that elect to participate in the FAMLI program.
4. District consultants shall implement this Resolution consistent with FAMLI and the rules and regulations adopted by the Colorado Department of Labor and Employment.
5. Provided the Board of Directors does not subsequently elect to participate in the FAMLI program, the District's declination hereunder shall last eight years from the date hereof, and the Board of Directors shall determine whether to continue the declination or participate in the FAMLI program prior to expiration of the eight-year declination.

APPROVED AND ADOPTED this 16th day of November 2022, by the Board of Directors of the GVR Metropolitan District.

GVR METROPOLITAN DISTRICT



Anthony Noble, District President

Attest:



Tim Carrarillo, Secretary/Treasurer