## RESOLUTION DECLINING ANY AND ALL EMPLOYER PARTICIPATION IN THE COLORADO PAID FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM LUPTON VILLAGE RESIDENTIAL METROPOLITAN DISTRICT

STATE OF COLORADO	)	
	)	SS
COUNTY OF WELD	)	

At the meeting of the Board of Directors of Lupton Village Residential Metropolitan District, (the "District"), County of Weld, Colorado, held at 1:00 PM on Thursday, September 22, 2022, by videoconference at https://us06web.zoom.us/j/84079720509, by teleconference at +1 669 900 6833, Meeting ID: 840 7972 0509, there were present:

William J. Johanningmeier Fred Croci Josef Guetlein Andrew Gerk

Also present was Michael Davis, Hilary Adams and Marisa Davis of the Law Office of Michael E. Davis, LLC ("District Counsel").

When the following proceedings, were had and done, to wit:

It was moved by Director Johanningmeier to adopt the following Resolution:

WHEREAS, in November of 2020, Colorado voters approved Proposition 118, codified in Part 5, Article 13.3 of Title 8, Colorado Revised Statutes (C.R.S.), establishing the Family and Medical Leave Insurance ("FAMLI") Program, a state insurance plan providing paid leave for Colorado workers during certain life circumstances; and

WHEREAS, under the FAMLI Program, employers and their employees are both responsible for funding the program and may split the cost 50/50; the premiums are set at 0.9% of the employee's wage, with 0.45% paid by the employer and 0.45% paid by the employee; and

WHEREAS, the premiums required for FAMLI will be collected starting January 1, 2023, and benefits will begin January 1, 2024; and

WHEREAS, as a local government as defined by C.R.S. §§ 8-13.3-503(14) and 29-1-304.5(3)(b), the Lupton Village Residential Metropolitan District (the "District") may decline to participate in FAMLI following a public hearing and vote of its governing body pursuant to C.R.S. § 8-13.3-522; and

WHEREAS, should the District decline to participate in FAMLI, its employees will still have the option to participate in the program and remit premiums to the State; and

WHEREAS, at a public meeting held September 22, 2022, the Board of Directors held a public hearing on the decision whether to participate in FAMLI; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF LUPTON VILLAGE RESIDENTIAL METROPOLITAN 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 the regulations adopted by the Colorado Department of Labor and Employment and codified at 7 CCR 1107-2.
- 2. The Board of Directors, acting by and on behalf of the District, declines any and all participation in the FAMLI Program.
- 3. The Board of Directors further directs its staff to bring the matter of revisiting the decision to decline participation in FAMLI before a future Board by no later than eight years from the date of the vote on this Resolution September 22, 2022.

Whereupon, the motion was seconded by Director Guetlein, and upon vote, unanimously carried.

## ADOPTED AND APPROVED SEPTEMBER 22, 2022.

## LUPTON VILLAGE RESIDENTIAL METROPOLITAN DISTRICT

William John Ingmeier Oct 18, 2022 22:05 MDT)

William J. Johanningmeier, President

ATTEST:

Fred Croci (Nov 15, 2022 17:45 CST)

Fred Croci, Secretary/Treasurer

APPROVED AS TO FORM:

LAW OFFICE OF MICHAEL E. DAVIS, LLC

As General Counsel to the District