

TOWN OF MT. CRESTED BUTTE
RESOLUTION NO. 13
SERIES 2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO TO JOIN COLORADO SURPLUS ASSET FUND TRUST MODEL

WHEREAS, Town of Mt. Crested Butte, Colorado (“Participant”), acting by and through its governing body, the Town Council, desires to pool its funds with other local government entities by becoming a Participant in the Colorado Surplus Asset Fund Trust (“CSAFE”);

WHEREAS, pursuant to the provisions of C.R.S. Section 24-75-601 and 701, et seq., as amended and C.R.S. 24-75-702, et seq. as amended, any local government entity (including cities, towns, school districts, special districts, hospital districts, counties or political subdivisions of the state, authorities, higher ed) is authorized to pool any moneys in its treasury, which are currently surplus funds and not immediately required to be disbursed, with similar moneys from other local government entities, in order for these entities to take advantage of short-term investments and maximize net interest earnings. CSAFE is formed as a common law trust under the laws of the state of Colorado; and

WHEREAS, the Town Council of the Participant desires to approve its participate in CSAFE formed in accordance with the aforesaid statutes, in order to pool its surplus funds with other local government entities, it has passed, by majority vote the following resolution:

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO THAT:

Section 1. CSAFE participation approved. The Town Council, as the governing body of the Tow, as Participant, is subject to C.R.S. Section 24-75-601, as amended and C.R.S. Section 24-75-701, et seq., as amended, of the Colorado Revised Statutes and the merits of investing in a trust as permitted by C.R.S. Section 24-75-601, as amended and C.R.S. Section 24-75-701, et seq. as amended, including the trust’s liquidity, risk diversification, flexibility, convenience and cost compared to the alternative direct purchase of comparable investments and finds it is in the best interest of the local government entity and therefore hereby approves and adopts this Resolution, along with other local government entities in the trust for the purpose of pooling surplus funds. The terms of the CSAFE Trust Indenture shall be incorporated herein by this reference and a copy filed with the minutes of the meeting at which warranties, either expressed or implied, are part of this agreement between CSAFE and said governing body of the Participant unless as set forth in the Indenture of Trust, but that CSAFE shall use its best efforts in conjunction with Participant to accomplish these goals.

Section 2. Check Writing. If the Participant opts in for check writing, it shall be liable for all checks written on its account, authorized or unauthorized. The Participant shall indemnify and hold CSAFE harmless from and against any and all claims, demands, damages, losses, liabilities and expenses (including, without limitation, reasonable attorney fees and court costs at trial or appeal) arising from: (a) any checking activity on a Participants account or (b) any act or omission from CSAFE arising out of CSAFE action or inaction taken pursuant to a request by a Participant. Participants should implement proper security procedures to safeguard the checks for each account. CSAFE does not guarantee the prevention of fraud or theft from a Participant account.

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Section 3. Identified Representative. M. Karl Trujillo (the “Representative”), who is the government official empowered to invest funds of the Participant or his/her successor in function, is hereby authorized and directed to execute the Indenture of Trust and any other documents necessary to establish an account with CSAFE. The Representative is hereby designated the “Treasurer” as that term is defined in the Indenture of Trust and is therefore authorized to invest money from the Participants’ treasury, from time to time, which are not immediately required to be disbursed, by purchasing shares of CSAFE with those available funds and is authorized to redeem, from time to time, part or all of those shares as funds are needed for other purposes.

Section 4. Approval in Effect. The undersigned agree that the authorizations and instructions contained in the trust registration form are to remain in effect until the trust receives written notice of any changes.

INTRODUCED, READ AND ADOPTED at a regular meeting of the Town Council of the Town of Mt. Crested Butte on the 18th day of July, 2023.


By: Nicholas Kempin, Mayor

Attest:


Tiffany O'Connell, CMC, Town Clerk