

**TOWN OF MT. CRESTED BUTTE
RESOLUTION NO. 2
SERIES 2023**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, REPEALING AND TERMINATING THE TOWN OF MT. CRESTED BUTTE POLICE PENSION FUND AND DISSOLVING THE PENSION BOARD

WHEREAS, the Town of Mt. Crested Butte (“Town”) is a Colorado home-rule municipality;

WHEREAS, the Town has previously established and funded an Old Hire Police Pension Fund, as currently provided for in Article 30.5, Title 31, C.R.S. (“Fund”);

WHEREAS, the general supervision, management, and control of the Fund is vested in its board of trustees (“Pension Board”), as set forth in Section 31-30.5-203, C.R.S.;

WHEREAS, the Town Council desires to terminate the Fund pursuant to Section 31-30.5-209, C.R.S., effective immediately;

WHEREAS, at least 60 days prior to consideration of this Resolution the Town published notice and provided a copy of such notice to the Board of Directors of the Fire and Police Pension Association consistent with the requirements of Section 31-30.5-209, (3)(a), C.R.S., a copy of such notice, certificate of mailing, and proof of publication are attached hereto and incorporated herein as Exhibit A; and

WHEREAS, Section 31-30.5-209, (2), C.R.S. provides that upon proper notice and a determination that no person is, and no person can become, eligible for payment of a benefit from the Fund, the Town may use the remaining money in the fund to make contributions to the current Town’s current police pension system, and to the extent that money in the Fund exceeds three times the present yearly employer contribution to the Town’s police pension system on behalf of its current police officers, such excess may be used for any law-enforcement-related purpose; and

WHEREAS, no persons who believe they are or may be entitled to benefit payments from the Fund have filed a written objection pursuant to Section 31-30.5-209, (3)(a), C.R.S., to terminating the Fund and using the remaining money in the Fund as authorized by Section 31-30.5-209, (2), C.R.S.

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

1. **Incorporation of Recitals.** The above recitals are incorporated herein, in full.

2. **Findings.** The Town Council finds and determines that there are no persons who are, and no persons who can become, eligible for payment of a benefit from the Fund.

3. **Termination of the Fund.** The Town Council hereby terminates the Fund and any associated trust.

4. **Use of Remaining Fund Money.** Any money or other assets remaining in the Fund shall be liquidated and used to make contributions to the current Town's current police pension system, and to the extent that money in the Fund exceeds three times the present yearly employer contribution to the Town's police pension system on behalf of its current police officers, such excess may be used for any law-enforcement-related purpose.

5. **Administrative Matters.** Town staff is authorized and directed to execute such documents and instruments, and to take such other actions as are necessary or advisable to implement the provisions of this Resolution.

6. **Dissolution of Pension Board.** Further, it appearing that there is no further business to come before the Pension Board, said Pension Board is hereby dissolved effective as of the adoption of this Resolution.

7. **Severability.** If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

8. **Effective Date.** This Resolution shall take effect and be enforced immediately upon its approval by the Town Council.

INTRODUCED, READ, PASSED AND ADOPTED by the Town Council of the Town of Mt. Crested Butte, Colorado, this this 17th day of January, 2023.

By: 
Nicholas Kempin, Mayor

ATTEST:

By: 
Tiffany O'Connell, Town Clerk

EXHIBIT A
Notice, Certificate of Mailing to the FPPA, Proof of Publication

From: [Tiffany O'Connell](mailto:Tiffany.O'Connell)
To: [Tiffany O'Connell](mailto:Tiffany.O'Connell)
Subject: FW: Termination Old Hire Police Pension Plan
Date: Friday, January 13, 2023 8:47:54 AM
Attachments: [image001.png](#)

From: Robert Cole <rcole@cogovlaw.com>
Sent: Thursday, January 12, 2023 10:49 AM
To: Tiffany O'Connell <toconnell@mtcb.colorado.gov>
Cc: Carlos Velado <cvelado@mtcb.colorado.gov>
Subject: RE: Termination Old Hire Police Pension Plan

[*** This email originated from outside The Town of Mt. Crested Butte - PLEASE USE CAUTION
OPENING LINKS, ATTACHMENTS OR REPLYING ***]

Tiffany,

I spoke with Mike Sutherland at the FPPA and he agrees with my interpretation that while notice is required to be given to FPPA, it does not have to be received 60 days prior to the Town Council adopting the resolution. So, Council is good to proceed next week with the Resolution.

If no one shows up to make a claim or objection or files one before the meeting, the path will be clear to terminate the plan. You will need to send a copy of the signed Resolution, the notice, and proofs of publication to Ahni Smith at the FPPA. I recommend you call Ahni first and go over what she will need from you. Her telephone number is 303-770-3772. You will have to navigate their directory to get to her extension. Mike is letting Ahni know of the Town's termination of the fund and to expect your call. Please send me copies of any correspondence so I can have a complete file.

If you have any questions or need assistance navigating the final steps let me know.

I have enjoyed helping the Town on this project. If there is ever any assistance I can provide on any municipal matter, please feel free to call.

Bob Cole

Bob Cole | Partner
Tel: 720.617.0080 | Direct: 303.218.7197
www.cogovlaw.com | LinkedIn | [vCard](#)

COLLINS | COLE
FLYNN | WINN | ULMER

Crested Butte News, Inc.

PO Box 369
Crested Butte, CO 81224

Invoice

Date	Invoice #
11/11/2022	715674

Bill To

Town of Mt. Crested Butte
PO Box 5800
Mt. Crested Butte, CO 81225

Quantity	Description	Rate	Amount
	Legal Notice #111104 - Pension Plan run 11/11	22.41	22.41
<p>---NOTICE OF PROPOSED TERMINATION OF THE--- TOWN OF MT. CRESTED BUTTE OLD HIRE POLICE PENSION PLAN</p> <p>NOTICE IS HEREBY GIVEN pursuant to Section 31-30.5-209, C.R.S., that the Town Council of the Town of Mt. Crested Butte, Colorado ("Town"), at a meeting to be convened at 8:00 PM on January 17, 2023, at the Council Chambers, 911 Gothic Rd., Mt. Crested Butte, CO 81225, will consider adopting a Resolution finding that no person is eligible or can become eligible for payment of benefits from the Mt. Crested Butte Old Hire Police Pension Plan ("Pension Plan"), terminating the Pension Plan, and authorizing the use of any remaining moneys in the Pension Plan as set forth in Section 31-30.5-209(1), C.R.S.</p> <p>NOTICE IS FURTHER GIVEN that all persons who believe they are or may be entitled to benefit payments from the Pension Plan have fifty days from the date of this notice in which to file a written objection with the Town Council at the above-mentioned address. If any written objection is filed, the Town Council shall hold a public hearing before adopting the proposed resolution after publishing notice of the time and place of the hearing and providing written notice of such hearing by certified mail to each person who files a written objection Dated this 4th day of November, 2022 Town of Mt. Crested Butte S:/ Tiffany O'Connell, CMC, Town Clerk</p> <p>Published in the <i>Crested Butte News</i> Issues of November 11, December 2, 2022 and January 6, 2023. #111104</p>			
Total			\$22.41

Visa & MC Accepted. Billing question? Call Jill @ 970-349-0500 ext 110 or email at jill@crestedbuttenews.com. Finance charges will apply to all overdue invoices 2%/month
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Crested Butte News, Inc.

PO Box 369
Crested Butte, CO 81224

Invoice

Date	Invoice #
12/2/2022	716492

Bill To

Town of Mt. Crested Butte
PO Box 5800
Mt. Crested Butte, CO 81225

Quantity	Description	Rate	Amount
	Legal Notice #111104 - Pension plan run 12/2	24.90	24.90

**---NOTICE OF PROPOSED TERMINATION OF THE---
TOWN OF MT. CRESTED BUTTE
OLD HIRE POLICE PENSION PLAN**

BEY GIVEN pursuant to Section 31-30.5-209(1), C.R.S., that the Town Council of the Town of Mt. Crested Butte, Colorado ("Town"), at a meeting convened at 8:00 PM on January 4, 2023, in Council Chambers, 911 Gothic Street, Crested Butte, CO 81225, will consider a resolution finding that no person is eligible for payment

of benefits from the Mt. Crested Butte Old Hire Police Pension Plan ("Pension Plan"), terminating the Pension Plan, and authorizing the use of any remaining moneys in the Pension Plan as set forth in Section 31-30.5-209(1), C.R.S. NOTICE IS FURTHER GIVEN that all persons who believe they are or may be entitled to benefit payments from the Pension Plan have fifty days

from the date of this notice in which to file a written objection with the Town Council at the above-mentioned address. If any written objection is filed, the Town Council shall hold a public hearing before adopting the proposed resolution after publishing notice of the time and place of the hearing and providing written notice of such hearing by certified mail to each person who files

a written objection. Dated this 4th day of December, 2023.
S/ Tiffany O'Connell

Published in the Crested Butte News, December 11, 2023. #111104

Original Grantor(s)

Total			\$24.90

Visa & MC Accepted. Billing question? Call Jill @ 970-349-0500 ext 110 or email at jill@crestedbuttenews.com. Finance charges will apply to all overdue invoices 2% month. Thank you for supporting your local newspaper!

