

BLUE VALLEY METROPOLITAN DISTRICT

RESOLUTION NO. 2023-02

A RESOLUTION DETERMINING NOT TO PROVIDE WORKERS' COMPENSATION INSURANCE COVERAGE FOR UNCOMPENSATED MEMBERS OF THE BOARD OF DIRECTORS

WHEREAS, the Blue Valley Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado duly organized and existing pursuant to Article 1 of Title 32, Colorado Revised Statutes; and

WHEREAS, the members of the Board of Directors (the “**Board**”) of the District are not compensated for their service on the Board, except for reimbursement of actual out-of-pocket expenses related to Board service; and

WHEREAS, pursuant to Section 8-40-202(1)(a)(I)(B), C.R.S., the Board may annually determine that it is in the best interest of the District not to provide workers’ compensation insurance coverage to its uncompensated elected officials; and

WHEREAS, the Board has determined that its policy period for purposes of this election shall commence on March 1 and end on the last day of February of every year; and

WHEREAS, pursuant to Section 8-40-202(1)(a)(I)(B), C.R.S., the District must notify the Colorado Department of Labor & Employment, Division of Workers’ Compensation (the “**Division**”), in writing of the decision not to provide workers’ compensation coverage and such notification must be filed with the Division not less than 45 days before the start of the policy period; and

WHEREAS, the Division has requested that the Board annually adopt a formal Resolution and complete Division Form WC44 to acknowledge its decision not to provide workers’ compensation insurance; and

WHEREAS, the Board hereby finds and determines that it is in the public interest and is an appropriate fiscal policy to exercise the option not to provide workers’ compensation insurance coverage for its uncompensated elected officials.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Blue Valley Metropolitan District as follows:

1. **No Workers' Compensation Insurance Coverage.** Because members of the Board are not compensated for their service, except for reimbursement of actual expenses incurred on behalf of the District, the Board finds and determines that its members shall not be regarded as "employees" of the District for purposes of the Workers' Compensation Act of Colorado (Section 8-40-101, C.R.S. et seq.), and that the District shall not purchase workers' compensation insurance coverage for members of the Board for the policy year commencing on March 1, 2024.

2. **Direction to File with the Division.** In addition to a copy of this Resolution, legal counsel to the District is directed and authorized to file Form WC44, "Exclusion of Uncompensated Public Officials," with the Division no later than 45 days prior to March 1.

3. **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.

4. **Effective Date.** Notwithstanding the application of this Resolution to a certain specified plan year, this Resolution shall take effect and be enforced immediately upon its approval by the District Board.

ADOPTED this 11th day of December, 2023.

BLUE VALLEY METROPOLITAN
DISTRICT

By



Kenneth McNichols, Chairman

Attest:



Andrea Buller, Secretary