

## RESOLUTION NO. 2022-07-01

### A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF FORT MORGAN, COLORADO, FORMALIZING THE CITY'S DECISION TO OPT OUT OF THE PAID FAMILY AND MEDICAL LEAVE INSURANCE ("FAMLI") PROGRAM

**WHEREAS**, the City of Fort Morgan, Colorado (the "City") has been duly organized and is validly existing as a home rule city under Article XX, Section 6 of the Colorado Constitution and the City Charter;

**WHEREAS**, in November 2020, Colorado voters approved Proposition 118, which instructed the Colorado Department of Labor and Employment to establish the Paid Family and Medical Leave Insurance ("FAMLI") program, which allows eligible Colorado employees to receive up to 12 weeks of paid family and medical leave benefits each year, beginning on January 1, 2024;

**WHEREAS**, to fund the FAMLI program, both employers and employees in Colorado will generally be required to pay a payroll premium, beginning on January 1, 2023;

**WHEREAS**, pursuant to C.R.S. § 8-13.3-522, a local government may decline participation in the FAMLI program;

**WHEREAS**, the City already offers competitive paid leaves: 11 holidays, 1 day of personal leave, 5 weeks of paid time off to start – which accrue over time and steadily increase with longevity up to over 7 weeks. The City also provides eligible employees with short-term disability benefits and allows employees to utilize 12 weeks of unpaid leave via the Family Medical Leave Act (FMLA)

**WHEREAS**, all notice requirements applicable to a local government's decision to opt out of the FAMLI program have been satisfied; and

**WHEREAS**, the City Council finds it desirable and appropriate, and in the best interest of the general welfare of its residents to opt out of the FAMLI program.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:**

**Section 1.** The foregoing recitals are hereby incorporated as conclusions, determinations, facts, and findings of the City Council.

**Section 2.** The City of Fort Morgan hereby declines participation in the Colorado Paid Family and Medical Leave program.

**Section 3.** Notice of this Resolution and the decision to decline participation shall be provided to the Division of Family and Medical Leave Insurance within the Colorado Department of Labor and Employment.

INTRODUCED, PASSED, APPROVED, AND ADOPTED this 5<sup>th</sup> day of July, 2022,  
the vote upon roll call being as follows:

Ayes: Mayor Deal, Councilmembers Anderson, Garcia, Kaper, Parks, Schossow  
and Urdiales.

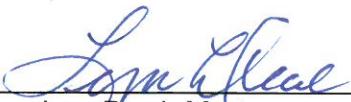
Nays: None

Absent /Abstain: None



THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

BY:

  
Lyn Deal, Mayor

ATTEST:

  
John Brennan, City Clerk

STATE OF COLORADO )  
COUNTY OF MORGAN ) ss.  
CITY OF FORT MORGAN )

CERTIFICATE

I, John Brennan, City Clerk of the City of Fort Morgan, Colorado, do hereby certify  
that the above and foregoing **Resolution** is a true, perfect and complete copy of the  
**Resolution** adopted by the City Council and is identical to the original thereof appearing  
in the official records of the City of Fort Morgan, Colorado, and that the same has not  
been, since its adoption, in any respect, rescinded or amended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of  
the City of Fort Morgan this 5<sup>th</sup> day of July, 2022.

  
John Brennan, City Clerk