

**SOUTH METRO/CUNNINGHAM FIRE RESCUE AUTHORITY
RESOLUTION NO. 2019-09**

**SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT
RESOLUTION NO. 2019-09**

**AND CUNNINGHAM FIRE PROTECTION DISTRICT
RESOLUTION NO. 2019-13**

**JOINT RESOLUTION CONCERNING THE CONSOLIDATION OF
SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT AND
CUNNINGHAM FIRE PROTECTION DISTRICT**

WHEREAS, the South Metro/Cunningham Fire Rescue Authority (“Authority”) was created by that certain South Metro/Cunningham Fire Rescue Authority Creation and Pre-Unification Agreement dated November 16, 2017 (the “Agreement”), between the South Metro Fire Rescue Fire Protection District (“South Metro”) and Cunningham Fire Protection District (“Cunningham Fire”), each a special district created pursuant to Article 1, Title 32, C.R.S. (the “Districts”); and

WHEREAS, Section VI. of the Agreement contemplates the consolidation of the Districts by including all property currently within Cunningham Fire into South Metro, excluding such property from Cunningham Fire, and the dissolution of Cunningham Fire; and

WHEREAS, Section VI.A.3. of the Agreement recognizes that Cunningham Fire will designate the Board of Directors of South Metro, as successor to Cunningham Fire’s jurisdictional territory, service responsibilities, assets, property and personnel, and to do all things necessary to accomplish the exclusion of all property from Cunningham Fire and to request dissolution of Cunningham Fire; and

WHEREAS, pursuant to Section VI.B. of the Agreement, legal and equitable title to all assets and property of the Authority and Cunningham Fire shall be transferred to South Metro, and the pension funds of Cunningham Fire shall be transferred to South Metro; and

WHEREAS, the Districts and the Authority wish to affirm the express and ongoing delegation of authority under the Agreement for the South Metro Board of Directors to do all things necessary to implement the Agreement and the consolidation of the Districts, including authority to seek administrative dissolution of Cunningham Fire, confirm the transfer of all assets to South Metro, provide for Authority employees to become employees of South Metro, and receive all Cunningham Fire tax revenue in 2020, and take all other actions necessary to carry out the Agreement and continue the provisions of services to the areas currently within Cunningham Fire and South Metro;

NOW THEREFORE, be it jointly resolved by the Boards of Directors of the South Metro/Cunningham Fire Rescue Authority, South Metro Fire Rescue Fire Protection District, and Cunningham Fire Protection District that:

1. Transfer of Assets. Effective upon the exclusion of all property from Cunningham Fire and inclusion of the same into South Metro, Cunningham Fire and the Authority hereby transfer legal and equitable title to all assets and property of the Authority and Cunningham Fire to South Metro. Assets include but are not limited to: real property, personal property, improvements, buildings, furniture, appliances, supplies, plans, tools, vehicles, apparatus, mobile equipment, machinery, intangible personal property, cash, bank accounts, notes, bonds, insurance policies, leases, accounts receivable, warranties, guarantees, indemnifications, licenses, permits, contracts, and agreements.

2. Transfer of Pension Funds. Effective upon the exclusion of all property from Cunningham Fire and inclusion of the same into South Metro, the Authority and Cunningham Fire hereby transfer all pension funds to South Metro, subject to the statutory requirements and the requirements, authorities, and obligations of the trust or pension agreements, or other documents and agreements establishing and pertaining to such pension funds.

3. Employees. Effective upon the exclusion of all property from Cunningham Fire and inclusion of the same into South Metro, all employees of the Authority shall become employees of South Metro.

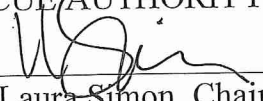
4. Dissolution of Cunningham Fire. Effective upon the exclusion of all property from Cunningham Fire and inclusion of the same into South Metro, Cunningham Fire grants to South Metro all authority and power to act on behalf of Cunningham Fire to do all things necessary to accomplish the inclusion of all property within Cunningham Fire into South Metro, receiving Cunningham Fire's taxes in 2020, and to request the dissolution of Cunningham Fire.

5. Acceptance by South Metro. South Metro agrees to accept, effective January 1, 2020, all assets of Cunningham Fire and the Authority, all personnel of the Authority, and the pension funds of the Authority and Cunningham Fire, and agrees to take such action to dissolve Cunningham Fire as set forth in this Resolution and the Agreement, including but not limited to receiving Cunningham Fire's taxes in 2020 and requesting dissolution of Cunningham Fire.

ADOPTED AND APPROVED this 2nd day of December, 2019.

SOUTH METRO/CUNNINGHAM FIRE
RESCUE AUTHORITY

By


Laura Simon, Chair


Attest:


Jim Albee, Secretary

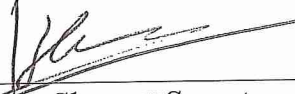
ADOPTED AND APPROVED this 2nd day of December, 2019.

CUNNINGHAM FIRE PROTECTION
DISTRICT

By


Muriel Williams-Thompson, Chair

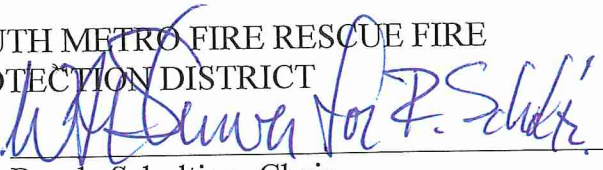
Attest:


Patricia Shaver, Secretary
Kia Jensen

ADOPTED AND APPROVED this 2nd day of December, 2019.

SOUTH METRO FIRE RESCUE FIRE
PROTECTION DISTRICT

By


Ronda Scholting, Chair

Attest:


Danny Gaddy, Secretary