

R-26-13

RESOLUTION STATING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS TO INITIATE A PARTIAL WITHDRAWAL OF CURRENT SHERIFF'S OFFICE PEACE OFFICERS FROM PARTICIPATION IN THE COLORADO RETIREMENT ASSOCIATION 401(a) RETIREMENT PLAN

WHEREAS, Clear Creek County, Colorado (the "County"), is a political subdivision of the State of Colorado governed by a Board of County Commissioners (the "Board"); and

WHEREAS, the County is a participating employer in the Colorado Retirement Association ("CRA"), an association formed pursuant to Article 54 of Title 24, Colorado Revised Statutes, and currently offers a defined contribution retirement plan qualified under Section 401(a) of the Internal Revenue Code to certain County employees, including peace officers; and

WHEREAS, C.R.S. § 24-54-106(3) expressly authorizes a board of county commissioners to initiate the withdrawal of current employees who are peace officers from participation in a defined contribution plan offered by an association such as CRA, for the purpose of joining a retirement plan offered by the Fire and Police Pension Association ("FPPA"), subject to specified procedural safeguards and employee approval; and

WHEREAS, C.R.S. § 24-54-106(3) requires, among other things: (a) adoption of a withdrawal resolution by the board of county commissioners stating its intent to withdraw peace officers; (b) advance filing of such resolution with the board of the CRA no less than 90 days prior to the effective date of withdrawal unless a shorter period is approved; (c) multiple opportunities for the association and the county to present information to affected peace officers regarding the advantages and disadvantages of withdrawal; and (d) approval of the withdrawal by at least fifty-five percent (55%) of all current employees who are peace officers proposed to be withdrawn; and

WHEREAS, the CRA Retirement Plan and Trust Agreement, Section 6.11(b), and the CRA Operating & Procedures Manual, Section 1.8, further establish detailed requirements concerning notice, disclosures, election procedures, certification of results, and transition mechanics applicable to a partial withdrawal of peace officers; and

WHEREAS, the Board desires to strictly comply with all applicable statutory, contractual, and procedural requirements, to ensure transparency, informed decision-making by affected employees, and the legal validity of any subsequent action; and

WHEREAS, adoption of this Resolution is intended solely to initiate the statutory process and authorize required notices, disclosures, and an employee election, and does not itself effectuate or guarantee withdrawal; and

WHEREAS, any withdrawal shall occur only if approved by the required percentage of eligible peace officer employees and subsequently approved by the CRA board in accordance with law.

WHEREAS, the Board anticipates the effective date of any withdrawal shall be May 1, 2026, subject to satisfaction of all statutory requirements being met.

NOW, THEREFORE, BE IT RESOLVED, by the Clear Creek County Board of County Commissioners, that:

Section 1. Intent to Initiate Withdrawal Process. The Board hereby states its intent to initiate the process authorized by C.R.S. § 24-54-106(3) to withdraw current County Sheriff's Office peace officers from participation in the CRA 401(a) defined contribution retirement plan, subject to all statutory and plan-mandated requirements.

Section 2. Notice to CRA. The County Attorney is authorized and directed to transmit this Resolution to the Board of the Colorado Retirement Association as formal notice of the County's intent, in compliance with C.R.S. § 24-54-106(3) and CRA procedures.

Section 3. Disclosures and Presentations. The County shall coordinate with CRA to ensure that affected peace officers are provided multiple opportunities to receive information, including written disclosures and presentations, regarding the advantages and disadvantages of withdrawal, as required by law and CRA policy.

Section 4. Employee Election. An election of eligible peace officer employees shall be conducted by secret ballot, in accordance with CRA Operating & Procedures Manual § 1.8, following completion of required disclosures. No withdrawal shall occur unless approved by at least fifty-five percent (55%) of all current peace officer employees proposed to be withdrawn.

Section 5. Certification of Results. The County shall certify the election results to CRA in the manner and timeframe required by CRA procedures.

Section 6. No Immediate Withdrawal Effect. While this Resolution does not effectuate a withdrawal and creates no vested rights or obligations beyond initiation of the statutory process, it is anticipated that the effective date of withdrawal shall be May 1, 2026.

Section 7. Further Action Reserved. The Board expressly reserves the right to take such further action as may be necessary or appropriate to implement or discontinue the withdrawal process consistent with law and the results of the employee election.

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ADOPTED this 6th day of January, 2026, at a regularly scheduled meeting of the Clear Creek County Board of County Commissioners.

Rebecca Lloyd, Chair

Jodie Hartman-Ball, Commissioner

George Marlin, Commissioner

ATTEST:

Deputy Clerk and Recorder
For Brenda L. Corbett
Clear Creek County Clerk and Recorder