

**CITY OF CREEDE, COLORADO  
ORDINANCE NO. 442**

**AN ORDINANCE OF THE CITY OF CREEDE, COLORADO  
OPTING OUT OF THE COLORADO PAID FAMILY MEDICAL LEAVE  
INSURANCE PROGRAM.**

**WHEREAS**, On November 3, 2020, Colorado voters approved Proposition 118, to enact, the Paid Family and Medical Leave Insurance Act (FAMLI), mandating paid family and medical leave for all Colorado employees; and

**WHEREAS**, FMLI will provide benefits to participating employees beginning January 1, 2024; and

**WHEREAS**, due to prior existing statutory provisions concerning local governments and special districts as employers operating within Colorado, a specific provision allowing local government employers to decline participation was included in statute at C.R.S § 8-13.3-522.; and

**WHEREAS**, In order to decline participation in the FAMLI program, the local government's governing body must vote to do so and notify the FAMLI Division of their vote to decline participation. The decision to decline is good for eight years from the date of the vote to decline participation. The local government must hold another vote if it wishes to continue opting-out beyond eight years; and

**WHEREAS**, the City of Creede will assist any employee that needs to be absent from work for a medical reason, through its established sick leave policy; and

**WHEREAS**, the City of Creede will assist employees who want to individually participate in FAMLI program by facilitating voluntary payroll deductions, with remittance of the employee share of the premium and wage data once a quarter to the FAMLI Division; and

**WHEREAS**, it has been determined by the Board of Trustees that it is in the best interest of the City of Creede to decline participation in the FAMLI program.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, AS FOLLOWS:**

**Section 1.** The City of Creede, Colorado, by vote of the Board of Trustees has determined that it will decline to participate in the FAMLI system.

**Section 2.** The employees of the City of Creede are hereby notified of the City's decision to opt out of participation the FAMLI system. The City will assist employees who want to individually participate in FAMLI program by facilitating voluntary payroll deductions, with remittance of the employee share of the premium and wage data once a quarter to the FAMLI Division.

**Section 3. Effective Date.** This ordinance shall be published and become effective as provided by law.

**Section 4. Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

**Section 5. Repealer.** All ordinances or resolutions and motions of the Board of Trustees of the City of Creede or parts thereof, in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby.

**6<sup>th</sup> INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS DAY OF SEPTEMBER 2022.**

**ATTEST:**

  
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Sarah Elthim-Williamson, Town Clerk

**CITY OF CREEDE**

By   
\_\_\_\_\_  
Jeffrey Larson, Mayor