

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS
OF THE PUEBLO CONSERVANCY DISTRICT

June 12, 1951

A Special Meeting of the Board of Directors of the Pueblo Conservancy District was held at the office of the District, 113 West Fifth Street at 2:00 P. M. o'clock on June 12, 1951.

Directors Present: John M. Holmes, W. T. Mathis and Frank Pryor

As this meeting was held only for the purpose of passing one certain Resolution regarding the Social Security benefits for employees of the District, the reading of the minutes of the meeting of March 14, 1951, was deferred until the next meeting. Other business which ordinarily would have come before the meeting at this time was also deferred until the next meeting.

Mr. Holmes stated that at the meeting of March 14, 1951, a motion had been made by Mr. Mathis, duly seconded and carried, to the effect that the Conservancy District desired to have its employees come under the Federal Social Security Act and the Secretary was instructed to file with the Social Security Department any forms which might be necessary.

In compliance with these instructions, the Secretary inquired of the State of Colorado, Department of Employment Security as to the procedure. This Department sent to the District a "Plan and Agreement".

The Department of Employment Security also sent to the District a sample form of a Resolution with the suggestion that changes to be made in it as would be necessary to make it applicable for adoption by the Conservancy District. This sample Resolution was submitted to Attorney Rose and such changes were made as were necessary.

Mr. Holmes moved the adoption of the following Resolution; Mr. Pryor seconded the motion and the Resolution was adopted as follows, to-wit:

RESOLUTION

WHEREAS, The Social Security Act has been so amended by the Congress of the United States as to permit political subdivisions of the several States to extend to their employees and officers the benefits of old-age and survivors' insurance, and

WHEREAS, the Thirty-Eighth General Assembly of the State of Colorado in regular session has enacted a statute known as House Bill No. 291, which enables the political subdivisions of the State of Colorado to take all action necessary to effectuate the coverage of their employees and officers under said old-age and survivors' insurance system, and

WHEREAS, it is the opinion of the Board of Directors of the Pueblo Conservancy District, that the extension of this Social Security System will be of great benefit not only to the employees of the Pueblo Conservancy District, but to said Pueblo Conservancy District, by attracting to it and enabling it to retain the best of personnel and thus increase the efficiency of its government; and it is deemed that the payment by the District of its portion of the cost of said system is a payment for the purpose of the District.

RECORD OF PROCEEDINGS

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Pueblo Conservancy District, that this District become a participant in the Social Security System and that the benefits of old-age and survivors' insurance be extended to its employees and officers, and

BE IT FURTHER RESOLVED that the President of the Pueblo Conservancy District, in the State of Colorado is authorized to execute and deliver to the Department of Employment Security, State of Colorado, the "Plan and Agreement" required under the provisions of Section 5 of said enabling Act and the Social Security Act to extend coverage to the employees and officers of this District, and to do all other things necessary to that end, and

BE IT FURTHER RESOLVED that the Treasurer of the Pueblo Conservancy District be and he is hereby authorized to make all required payments into the Contribution Fund established by Section 6 of said enabling Act and to establish such system of pay roll deductions from salaries of officers and employees as may be necessary to their coverage under said old-age and survivors' insurance system, and

BE IT FURTHER RESOLVED that the Board of Directors of the Pueblo Conservancy District, hereby appropriate from the proper fund or funds of the said District the amounts necessary to pay into the Contribution Fund as provided in Section 3 (c) (1) of the enabling and in accordance with the Plan or Plans and Agreement, and

BE IT FURTHER RESOLVED that the proper officials of the Pueblo Conservancy District do all things in accordance with the provisions contained in the Plan and Agreement necessary to the continued implementation of said old-age and survivors' insurance system, and

BE IT FURTHER RESOLVED THAT THE PUEBLO CONSERVANCY DISTRICT become a participant in the Social Security System effective as of April 1, 1951.

Dated this 12th day of June 1951

PUEBLO CONSERVANCY DISTRICT

(Sgd) JOHN M. HOLMES
John M. Holmes, President

Attest:

ELBERT D. GREENE (Sgd)
Elbert D. Greene, Secretary

CERTIFICATE OF AUTHENTICATION

STATE OF COLORADO)
County of Pueblo (ss

I, Elbert D. Greene, Secretary of the Pueblo Conservancy District, do hereby certify that the above and foregoing is a full, true and correct copy of that certain Resolution, passed by the Board of Directors of the Pueblo Conservancy District on the 12th day of June 1951, as the same appears from the records and files in my office.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said District this 12th day of June 1951.

(Sgd) Elbert D. Greene

Mr. Holmes then moved that the "Plan and Agreement" be authorized by the District and the President and Secretary be directed to sign the same. The motion was carried and the "Plan and Agreement" adopted as follows, to-wit:

PLAN AND AGREEMENT

THE PUEBLO CONSERVANCY DISTRICT, hereinafter called
(Name of Political Subdivision)
"Political Subdivision," does hereby apply to the Colorado
Department of Employment Security, hereinafter called "Department,"
pursuant to the provisions of Section 5 of that certain Act known
as House Bill No. 291, (enacted by the 38th General Assembly of the
State of Colorado), to extend the insurance system established by
Title II of the Social Security Act to services performed by indi-
viduals as employees of the Political Subdivision.

The Political Subdivision submits for the Department's
approval this Plan and Agreement to become effective on the date
hereinafter stated.

1. Definitions.

For purposes of this Plan and Agreement

(a) The term "Department" means Department of
Employment Security, State of Colorado.

(b) The term "employee" means an employee as
defined in Section 210 (K) of the Social Security
Act and shall include an officer.

(c) The term "services" includes all services
performed by individuals as employees of the Political
Subdivision, except:

(1) Any service performed by an employee in a
position covered by a retirement system on the date this
agreement is made applicable to his coverage group.

(2) Service performed by an employee who is employed to relieve him from unemployment.

(3) Service performed in a hospital, home or other institution by an inmate thereof.

(4) Covered transportation service (as defined in Section 210 (1) of the Social Security Act.)

(5) Service (other than agricultural labor or service performed by a student) excluded from employment by any provisions of section 210 (a) of the Social Security Act, other than paragraph (8) of such section.

(6) Services of an emergency nature, such as those required to care for fires, floods or other unforeseen disasters.

(7) Services of an extremely temporary nature such as possemen, election judges, etc., or those compensated solely on a fee basis.

II. Services Covered.

This Plan and Agreement includes all services performed by individuals for the Political Subdivision excepting those services which are expressly excluded herefrom under Section I above.

III. Administration of the Plan.

The Political Subdivision agrees and has heretofore authorized and directed the appropriate officers and employees to do and perform all things found necessary by the Department or the Federal Security Administrator, to make such reports in such form and containing such information as the Department may from time to

time require, and to comply with such provisions as the Department or the Federal Security Administrator may from time to time find necessary to assure the correctness and verification of such reports.

IV. Contributions.

(a) The Political Subdivision will pay into the Contribution Fund established by said State Act, with respect to wages as defined in Section 2 of said Act, on or before the 18th day of the month immediately following the end of the calendar quarter, contributions equivalent to the sum of the taxes which would be imposed by Sections 1400 and 1410 of the Internal Revenue Code if the services covered by this Plan and Agreement constituted employment as defined in Section 1426 of such code.

(b) The Political Subdivision agrees and contemplates that it shall impose upon each of its employees, as to services which are covered by this Plan and Agreement, a contribution with respect to his wages, not exceeding the amount of the tax which would be imposed by Section 1400 of the Federal Insurance Contributions Act if such services constituted employment within the meaning of that Act, and to deduct the amount of such contribution from his wages as and when paid and to match such amounts with funds appropriated for that purpose by the Political Subdivision. It is further understood that the contributions so collected shall be paid into the Contribution Fund in partial discharge of the liability of the Political Subdivision, but that failure to make such deduction shall not relieve the employee or the Political Subdivision from liability therefor.

V. Adjustments, refunds and interest on delinquent payments.

(a) If more or less than the correct amount due under Part IV of this Plan and Agreement is paid with respect to any remuneration, proper adjustment, if adjustment is practicable, or refund shall be made without interest in such manner and at such times as the Department shall prescribe.

(b) If the Political Subdivision does not make, at the time or times due, the payments required under this Plan and Agreement, there shall be added, as part of the amounts due, except as provided in paragraph (a) hereof, interest at the rate of six percent per year, computed at the rate of 1/2 percent per month for each month or fraction of a month that such Political Subdivision is delinquent in its payments to the Department.

(c) Without prejudice to other available methods of collection, the Department in its discretion may deduct such delinquent amounts plus interest from any other moneys payable to the Political Subdivision by any department, agency or fund of the State, including but not limited to funds in possession of the County Treasurer allocated to the Political Subdivision and derived from general taxation, upon proper certification by the Department that said delinquent accounts are due and payable.

VI. Termination.

(a) The Political Subdivision may request the Department to take all necessary steps with the Federal Security Administrator, pursuant to Section 218 (g) of the Social Security Act, to terminate this Plan and Agreement and the State-Federal Administrator Agreement

executed pursuant to Section 3 of said State Act either in its entire application to the Political Subdivision or with respect to any coverage group. Upon good cause shown at a time and in a manner to be specified by the Department, the Department shall give the notice to the Federal Security Administrator required by Part F of said State-Federal Administrator Agreement and comply with all parts thereof and of Section 218 (g) of the Social Security Act for the purpose of granting the requested termination to the Political Subdivision.

(b) If the Department, after notice and opportunity for hearing to the Political Subdivision, finds that there has been a failure to comply substantially with any provision contained in this Plan and Agreement and in said State Act, it may terminate this Plan in its entirety, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the Department consistent with the provisions of the Social Security Act, and any delinquent payments incurred during the termination of this agreement shall be collected from the Political Subdivision in the manner set forth in Section V (c) of this agreement.

VII. Modification.

This Plan and Agreement may be modified, at the request of the Political Subdivision, to include coverage groups or services in addition to those now included by this plan. Such modification must be consistent with the State-Federal Administrator Agreement and the provisions of Section 218 of the Social Security Act.

VIII. Effective Date.

This Plan and Agreement shall be effective as of

April 1, 1951 .

This Plan and Agreement was entered into and submitted by
the Political Subdivision this 12th day of June, 1951.

THE PUEBLO CONSERVANCY DISTRICT
(Name of Political Subdivision)

Attest:

By Officer: John M. Holmes, President

Officer: Elbert D. Greene, Secy.

The foregoing Plan and Agreement is approved and
accepted.

Aug. 27, 1951
(Date)

DEPARTMENT OF EMPLOYMENT SECURITY

State of Colorado

By Sgt Bernard E. Teets.
Bernard E. Teets
Executive Director

*Signed copy of this agreement in
P.C.D. Correspondence File*

Mr. Pryor thereupon moved the meeting adjourn. The motion was seconded and carried.

Elbert D. Green
Secretary

Read and Approved:

J. M. Holmes.
Frank Pryor