

RESOLUTION NO. 14-09

**A Resolution of the Scientific and Cultural Facilities District
Pertaining to Distribution of Formula and Discretionary Funds Upon Withdrawal of Eligibility,
Dissolution, Commencement of Bankruptcy or for Any Other Reason**

WHEREAS, C.R.S. §32-13-106(2)(b) authorizes the Board of Directors (the "Board") of the Metropolitan Denver Scientific and Cultural Facilities District ("SCFD") to adopt and amend its rules of procedure; and

WHEREAS, C.R.S. §32-13-106(2)(h) authorizes the Board to administer and distribute formula and discretionary SCFD funds in accordance with the guidelines contained in §32-13-107(3); and

WHEREAS, In order to be eligible to receive SCFD funds, an organization must obtain and maintain specific statutory eligibility requirements as set forth in C.R.S. §§ 32-13-103(7)(a); 32-13-106(2)(k); 32-13-107(3)(b)(I)(A),(B),(C) and (D); and 32-13-107(3)(c)(I)(A),(B) and (C); and

WHEREAS, An organization may become ineligible to receive SCFD funds as a result of administrative withdrawal of eligibility by the Board, voluntary or involuntary dissolution of the organization, commencement of bankruptcy by the organization; or for any other reason (the "Affected Organization"); and

WHEREAS, A change in an organization's eligibility status may occur during an active funding cycle for which the Board has already adopted a resolution allocating SCFD funds to the Affected Organization, resulting in the Board's inability to distribute SCFD funds to the Affected Organization in accordance with the adopted resolution; and

WHEREAS, Pursuant to C.R.S. §§32-13-107(3)(b)(V) and 32-13-107(3)(c)(V), any moneys that are not distributed by the Board shall be distributed at the same time and in the same manner as other moneys are annually distributed to organizations that meet the eligibility criteria of C.R.S. §§32-13-107(3)(b) and (c); and

WHEREAS, the Board desires to establish procedures for the distribution of SCFD funds allocated to Affected Organizations, in accordance with C.R.S. §32-13-107(3)(b)(V) and(3)(c)(V).

THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SCIENTIFIC AND CULTURAL FACILITIES DISTRICT AS FOLLOWS:

Section 1. If at any time during a funding year an organization described in C.R.S. §32-13-107(3)(b) becomes ineligible to receive SCFD funds as a result of administrative withdrawal of eligibility, voluntary or involuntary dissolution, commencement of bankruptcy, or for any other reason, any SCFD funds scheduled to be distributed to the Affected Organization that have not yet been distributed shall be distributed pro rata among the remaining organizations eligible and authorized to receive SCFD funds pursuant to C.R.S. §32-13-107(3)(b) during the distribution year.

Section 2. If at any time during a funding year an organization described in C.R.S. §32-13-107(3)(c) becomes ineligible to receive SCFD funds as a result of withdrawal of eligibility, voluntary or involuntary dissolution, commencement of bankruptcy, or for any other reason, any SCFD funds scheduled to be

distributed to the Affected Organization that have not yet been distributed shall be returned to the county or counties from which the SCFD funds were received for distribution to organizations eligible and authorized to receive SCFD funds pursuant to C.R.S. §32-13-107(3)(c) during the following distribution year. If the organization received funding prior to the change in status, the Board may require the return of all SCFD funds received and credit such funds to the county or counties from which the organization received them.

Introduced and approved at a regular meeting of the Board of Directors of the Scientific and Cultural Facilities District, the 20th day of November, 2014.

Dave Hopkins
Chair

ATTEST:

Peggy Lehmann
Secretary

