

**CITY OF CREEDE, COLORADO
ORDINANCE NO. 431**

**AN ORDINANCE OF THE CITY OF CREEDE, COLORADO AUTHORIZING
THE MAYOR TO EXECUTE AN AGREEMENT FOR A LOAN FROM THE
COLORADO WATER RESOURCES AND POWER DEVELOPMENT
AUTHORITY TO FINANCE A PORTION OF THE SEWER REHABILITATION
PROJECT IN THE CITY OF CREEDE,**

WHEREAS, the City of Creede desires to rehabilitate a portion of the Town's sewer system by replacing failing collection system pipe with a new collection system; and

WHEREAS, Colorado Water Resources and Power Development Authority makes funds available to local governmental agencies through their Water Pollution Control Revolving Fund to finance all or a portion of the cost of the Project of the Governmental agency; and

WHEREAS, Creede is willing to enter into an agreement with the Colorado Water Resources and Power Development Authority for a direct loan in the amount of \$1,000,000.00 from the WPCRF Disadvantaged Communities Program, for a term of 30 years, at an interest rate of 1.5%; and

WHEREAS, the Town's repayment obligation under the Loan Agreement will be evidenced by governmental agency bond to be issued by the Town to the Authority, which Bond shall constitute a special revenue obligation of the Town which is generally payable from the income for the services furnished by the System, less reasonable and necessary current expenses of the Town of operating, maintaining and repairing the System and, after consideration, the Board has determined that the execution of the Loan Agreement and the issuance of the Bond to the Authority is to the best advantage of the Town; and

WHEREAS, voter approval in advance is not required under Article X, Section 20 of the Colorado Constitution for the execution of the Loan Agreement or the issuance of the Bond; and

WHEREAS, it is the intent of the Board of Trustees that it will adopt by ordinance the Loan Agreement and bond as may be required by law.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the City of Creede, Colorado, that:

Section 1. The Mayor is hereby authorized to execute the Loan Agreement and Bond in substantially the forms provided to the Town and made available to the Board of Trustees with such changes as the Town attorney and bond counsel may determine to be necessary to carry out the purposes hereof and are not inconsistent herewith; provided that, in accordance with Title 11, Article 57, Part, Colorado revised Statutes, the Town Council hereby delegates to the Mayor the authority to approve the final terms of the Loan Agreement and the Bond, subject to the limitations herein, which approval shall be evidenced by the Mayor's execution thereof. The principal amount of the loan shall not exceed \$1,000,000; the term of the loan shall not exceed 30 years; and interest on the loan shall accrue at a rate not exceeding 1.5% per annum. The accomplishment of the Project, as defined in the Loan Agreement, is hereby authorized, approved, and ordered.

Section 2. Authorized Officers. Jeffrey Larson, Mayor of the City of Creede, and Louis Fineberg, City Manager, are hereby authorized to act as the "Authorized Officers" under the Loan Agreement (as such term is therein defined), and to furnish their names to the Authority in accordance with the Loan Agreement.

Section 3. Repealer. All ordinances, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 4. Emergency Declaration; Effective Date. The timing for the commencement of the project and having funds available necessitate that this Ordinance be effective immediately. Therefore, the Board hereby finds and determines that this Ordinance is necessary to the immediate preservation of public health and safety and shall be in full force and effect immediately upon passage by the Board.

**INTRODUCED, READ, PASSED, AND ADOPTED AS AN EMERGENCY ORDINANCE
THIS 3rd DAY OF August , 2021.**

ATTEST:

By 
Sarah Eftim-Williamson, City Clerk

CITY OF CREEDE

By 
Jeffrey Larson, Mayor