

ORDINANCE NO. 1979-3

AN ORDINANCE AMENDING ORDINANCE NO. 1970-2  
OF THE TOWN OF LA JARA; AND DECLARING AN  
EMERGENCY

WHEREAS, the Board of Trustees of the Town has previously determined to erect and construct a municipal water and sewer system and to operate it as a joint utility; and

WHEREAS, the Town has, on or about July 20, 1970; issued and delivered its Joint Water and Sewer Revenue Bonds, Series 1970, (the "1970 Bonds") in the original principal amount of \$309,950, dated July 20, 1970, for the purpose of paying part of the cost of the construction and installation of such system; and

WHEREAS, the 1970 Bonds were authorized pursuant to Ordinance No. 1970-2 adopted and approved on June 25, 1970; and

WHEREAS, the Board of Trustees of the Town have determined to improve the municipal sewer system and have authorized the issuance of Sewer Revenue Bonds, Series 1979, (the "1979 Bonds") in the amount of \$69,000 pursuant to Ordinance No. 1979-2 adopted and approved March 30, 1979; and

WHEREAS, it is necessary to amend certain provisions of Ordinance No. 1970-2 so that the 1979 Bonds may be issued; and

WHEREAS, Section 36 of Ordinance No. 1970-2 provides that the ordinance may be amended with the written consent of the holders of 3/4 of the 1970 Bonds then outstanding and

WHEREAS, The Farmer's Home Administration presently owns of the outstanding 1970 Bonds and has consented in writing (attached hereto, Exhibit A") to such amendments;

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA, CONEJOS COUNTY, COLORADO:

Section 1. AMENDMENT TO SECTION 22.F. That section 22 of Ordinance 1970-2 be repealed and reenacted as follows: "Section 22.F PAYMENT FOR ADDITIONAL OBLIGATIONS. The lien of additional bonds on net income shall be on a parity with or subordinate to, the lien and pledge of the 1970 Bonds. Any payments in respect of additional parity bonds shall be made concurrently with those required by this section. After making the payments required by this section for the 1970 bonds and any additional parity bonds, any balance in the Income Fund may be used for the payment of principal and interest on additional subordinate lien bonds including reasonable reserves therefor."

Section 2. AMENDMENT TO SECTION 25 B. That section 25 B of Ordinance 1970-2 be amended to read as follows: (Under line indicates amendments). "Section 25 B. CERTIFICATION OF REVENUES; WAIVER. A written certificate by an independent accountant that annual revenues are sufficient shall conclusively determine the right of the Town to issue additional parity bonds. The Independent Accountant may utilize the results of any annual audit to the extent it covers the applicable period. However, the limitations relating to the issuance of additional bonds and the requirement for an Independent Accountant's certificate may be waived or modified by the written consent of bondholders representing 3/4 of the then outstanding principal amount."

Section 3. RATIFICATION. That the provisions of Ordinance No. 1970-2 are hereby ratified, approved and confirmed except as expressly amended herein.

Section 4. EMERGENCY PROVISION. By reason of the fact that the Town is not supplied with adequate sewer facilities, and it is necessary to issue revenue bonds to pay part of the cost of the improvements to the municipal sewer system, which costs have become due and will hereafter become due and payable, it is hereby declared that an emergency exists, that this Ordinance is necessary for the preservation of the public peace, health and safety, and that it shall take effect upon publication.

Section 5. RECORDING AND AUTHENTICATION. The Ordinance shall be recorded in a book kept for that purpose, shall be authenticated by the signatures of the Mayor and Town Clerk, and shall be published in accordance with law.

ADOPTED AND APPROVED THIS 20th day of April, 1979.

TOWN OF LA JARA, COLORADO

By: \_\_\_\_\_  
Benedito Gallegos, Mayor

(TOWN SEAL)

ATTEST:

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Roberta Sigmon, Town Clerk