

**CITY OF CENTRAL, COLORADO
ORDINANCE NO. 15-05**

**AN ORDINANCE OF THE CITY COUNCIL, ACTING AS THE
GOVERNING BODY OF THE CENTRAL CITY TRANSPORTATION
ENTERPRISE (THE “ENTERPRISE”), AUTHORIZING THE
ENTERPRISE TO ENTER INTO A LOAN AGREEMENT AND
RELATED DOCUMENTS WITH THE COLORADO DEPARTMENT OF
TRANSPORTATION FOR A PRINCIPAL AMOUNT NOT TO EXCEED
\$1,521,693 AND AN INTEREST RATE NOT TO EXCEED 2.5%**

WHEREAS, the City Council, as the governing body of the Central City Transportation Enterprise (the “**Enterprise**”) has determined that a need exists for a loan to ensure adequate cash flow for current transportation-related projects; and

WHEREAS, the Colorado State Infrastructure Bank (“**SIB**”) is a revolving fund administered by the Colorado Department of Transportation (“**CDOT**”) with the ability to make loans to public and private entities for the funding of public transportation projects within the state; and

WHEREAS, the Enterprise has requested a loan from the SIB in the amount of \$1,521,693 for eligible transportation projects; and

WHEREAS, in accordance with Section 5.8 of the Home Rule Charter of the City, every act creating an indebtedness requires approval by ordinance; and

WHEREAS, CDOT and the City have agreed to the terms and conditions of a loan agreement and related documents for a principal amount of \$1,521,693 at a rate of interest of 2.5% payable from revenues available to the Enterprise, in substantially the form attached hereto as Exhibit A (collectively the “**Loan Agreement**”); and

WHEREAS, the City Council, as the governing body of the Enterprise, has reviewed the form of the Loan Agreement and has found the terms and conditions thereof acceptable.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO, THAT:

Section 1. The City Council of the City of Central, acting in its capacity as the governing body of the Enterprise, finds that the meetings at which this ordinance was considered and adopted were properly noticed and conducted as open meetings in accordance with Colorado law.

Section 2. The terms of said Loan Agreement are in the best interests of the Enterprise for the acquisition of funding for transportation-related projects, as more specifically described therein.

Section 3. The City Council, as the governing body of the Enterprise, designates and confirms that the Mayor has the authority to execute and deliver the Loan Agreement and any related documents necessary to the consummation of the transactions contemplated by the Loan Agreement in substantially the form attached hereto as **Exhibit A** for and on behalf of the Enterprise. The Mayor, in consultation with the City Attorney, may make such non-material changes to the Loan Agreement as necessary or desirable and that do not materially increase the obligation(s) of the Enterprise, such approval to be conclusively evidenced by the execution and delivery of the Loan Agreement.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Effective Date. This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the 2nd day of June, 2015, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Marcus McAskin, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the special meeting of the City Council of the City of Central on the 19th day of June, 2015.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on June 4, 2015.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on June 25, 2015.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk

Exhibit A
Loan Agreement