

ORDINANCE # 199

An ordinance appropriating additional sums of money to defray expenses in excess of amounts budgeted for the Town of Ignacio, Colorado.

WHEREAS, the Town's General Fund started the year with a healthy beginning balance of \$351,156 and received \$119,545 in unanticipated revenues from county sales tax, penalties, business license, building permits, animal license, contractor license, overweight permits, HiDTA Grant, Cops Universal Grant, SUCAP grant, Energy Impact Grant, Limited Gaming Grants, Historical Society Grant, motor vehicle registration, mineral lease, court costs, plan/zone fees, copy machine income, VIN inspections, residential trash, Romero Memorial recreation donations, baseball recreation fees, court fines, Business Boosters, notary public fees, and fax machine income, not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's Capital Improvement Fund started the year with a healthy beginning balance of \$374,649 and received 100,000 in unanticipated revenue from CDBG Grant not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's Debt Service Fund started the year with a healthy beginning balance of \$158,252 and received \$1,000 in unanticipated revenue from transfer in from General Fund not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's Gas Fund started the year with a healthy beginning balance of \$334,052 and received \$4,215 in unanticipated revenues from CEAF Grant, gas stand-by fees, reconnect fees, gas tap fees, and gas taxes collected, not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's Conservation Trust Fund started the year with a healthy beginning balance of \$25,706 and received \$4,200 in unanticipated revenues from miscellaneous income, not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's General Fund expenses are expected to be \$31,810 higher than anticipated due to electric utilities, telephone, vehicle repair & maintenance, miscellaneous expense, business boosters, insurance, bank service charges, meeting expenses, membership fees, transfer to Debt Service Fund, capital outlay, and small equipment for administration; contract work, telephone, cell phone, other repair & maintenance, LETN training, office supplies, subscriptions, and higher cost of gas, oil, etc. for police department; contract work, street lights, miscellaneous expense, uniforms, and capital outlay for public works, beautification for parks, and miscellaneous expense for library bathroom repairs, not planned at the time of the preparation of the budget, and,

WHEREAS, the Capital Improvement Fund expenses are expected to be \$14,100 higher than anticipated due to increase in agent fees for closing out CDBG grant, and down payment for land purchase not planned at the time of the preparation of the budget, and,

WHEREAS, the Debt Service Fund expenses are expected to be \$1,000 higher than anticipated due to change in debt service payment not planned at the time of the preparation of the budget, and,

WHEREAS, the Gas Fund expenses are expected to be \$105,150 higher than anticipated due to gas attorney fees, subscriptions, membership fees, contract work, vehicle repair & maintenance, printing services, bank service charges, gas sales tax, office supplies, and higher cost of natural gas purchases, not planned at the time of the preparation of the budget, and,

WHEREAS, the Conservation Trust Fund expenses are expected to be \$11,500 higher than anticipated due to park improvements not planned at the time of the preparation of the budget,

NOW THEREFORE, be it ordained by the Town Board of Trustees of the Town of Ignacio, Colorado:

Section 1. That the 2002 appropriation for the General Fund is hereby increased from \$1,143,546 to \$1,175,356 for the purpose of electric utilities, telephone, vehicle repair & maintenance, miscellaneous expense, business boosters, insurance, bank service charges, meeting expenses, membership fees, transfer to Debt Service Fund, capital outlay, and small equipment for administration; contract work, telephone, cell phone, other repair & maintenance, LETN training, office supplies, subscriptions, and higher cost of gas, oil, etc. for police department; contract work, street lights, miscellaneous expense, uniforms, and capital outlay for public works, beautification for parks, and miscellaneous expense for library bathroom repairs. The expenses will be covered by unanticipated revenues and beginning balance.

Section 2. That the 2002 appropriation for the Capital Improvement Fund is hereby increased from \$670,333 to \$684,433 for the purpose of increase in agent fees for closing out CDBG grant, and down payment for land purchase. The expenses will be covered by unanticipated revenues and beginning balance.

Section 3. That the 2002 appropriation for the Debt Service Fund is hereby increased from \$176,567 to \$177,567 for the purpose of change in debt service payment. The expenses will be covered by unanticipated revenues and beginning balance.

Section 4. That the 2002 appropriation for the Gas Fund is hereby increased from \$580,453 to \$685,603 for the purpose of gas attorney fees, subscriptions, membership fees, contract work, vehicle repair & maintenance, printing services, bank service charges, gas sales tax, office supplies, and higher cost of natural gas purchases. The expenses will be covered by unanticipated revenues and beginning balance.

Section 5. That the 2002 appropriation for the Conservation Trust Fund is hereby increased from \$15,104 to \$26,604 for the purpose of park improvements. The expenses will be covered by unanticipated revenues and beginning balance.

ADOPTED, this 10th day of December, A.D., 2002.

Gerardo W. Silva
Mayor, Gerardo W. Silva

ATTEST John De Luna DATE 12/10/02
Deputy Town Clerk



ORDINANCE # 198

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE TOWN OF IGNACIO, COLORADO FOR THE 2003 BUDGET YEAR.

WHEREAS, the Board of Trustees has made provisions for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and;

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purpose described below, so as not to impair the operation of the Town.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO;

Section 1. That the following sums are hereby appropriated from the revenues of each fund, to each fund, for the purpose stated.

GENERAL FUND:

Current operating expenses:	\$ 892,906
Transfers:	\$ 206,987
Total:	\$1,099,893

CAPITAL IMPROVEMENT FUND:

Capital projects:	\$623,029
Transfers:	\$ 0
Total:	\$623,029

IRRIGATION SYSTEM IMPROVEMENT FUND:

\$ 18,915

DEBT SERVICE FUND:

\$189,238

WATER FUND:

Operating expenses:	\$543,472
Transfers:	\$ 0
Total:	\$543,472

GAS FUND:

Operating expenses:

\$579,860

Transfers:

\$ 98,600

Total:

\$678,460

CONSERVATION TRUST FUND:

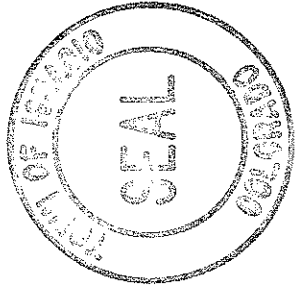
\$ 27,300

ADOPTED THIS 10TH DAY OF DECEMBER A.D. 2002.

Gerardo W. Silva

Gerardo W. Silva, Mayor

John A. de Jesus
Deputy Town Clerk



ORDINANCE NO. 197

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO RESTRICTING THE USE OF TOBACCO PRODUCTS IN PUBLIC BUILDINGS OWNED BY THE TOWN OF IGNACIO.

The Board of Trustees of the Town of Ignacio, Colorado hereby find that:

1. Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease, including lung cancer, in nonsmokers. At special risk are children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and
2. Secondhand smoke has been classified as a Class A carcinogen like asbestos by the Environmental Protection Agency; and
3. Secondhand smoke contains almost 5,000 chemicals, 60 which are known toxins and carcinogens, including arsenic, formaldehyde, hydrogen cyanide and radioactive elements; and
4. There is no safe level of exposure to secondhand smoke; and
5. Health hazards induced by breathing secondhand smoke include lung cancer, heart disease, respiratory infection, and decreased respiratory function, including broncho constriction and broncho-spasm.
6. There are numerous health hazards associated with the use of all tobacco products, including what are commonly known as smokeless tobacco products.

Accordingly, the Board of Trustees finds and declares that the purposes of this ordinance are (1) to protect the public health and welfare by prohibiting the use of tobacco products of any type in public places and places of employment owned by the Town; and (2) to guarantee the right to breathe smoke-free air, and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO AS FOLLOWS:

Chapter 10 of the Town Code is hereby amended by the addition of section § 1 to ~~be~~ read in its entirety as follows:

Section one. Title.

This Ordinance shall be known as the Ignacio Tobacco Free Act of 2002.

Section two. Definitions

The following words and phrases, whenever used in this article, shall be construed as defined in this section:

1. "Employee" means any person who is employed by any employer in the consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a non-profit entity.
2. "Employer" means any person, partnership, corporation, including a municipal corporation, or non-profit entity, who employs the services of one or more individual persons.
3. "Enclosed Area" means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passage ways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, "office landscaping" or similar structures.
4. "Place of Employment" means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference and classrooms, employee cafeterias and hallways. A private residence is not a "place of employment" unless it is used as a childcare, adult day care or health care facility.
5. "Public Place" means any enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, educational facilities, health facilities, Laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing/grocery establishments, retail service establishments, retail stores, theaters and waiting rooms. A private club is considered a "public place" when functions are held at the club which are open to the general public and are not restricted to the members of the club. A private residence is not a "public place."
6. "Smoke or Smoking," means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, weed, plant or other combustible substance in any manner or in any form.
7. "Smoke-free" means that air in an establishment is totally free of tobacco smoke.
8. "Private Function" means any activity, which is restricted to invited guests in a nonpublic setting.
9. "Tobacco Product" means cigarettes, cigars, smoking tobacco, snuff, plug tobacco, chewing tobacco and any other form of tobacco which is prepared in an manner to be suitable for chewing or smoking.

Section three. Application of Article to Town Owned Facilities

It shall be unlawful for any person to smoke or to use any tobacco product in any enclosed area owned or operated by the Town of Ignacio, including buildings, vehicles or any other facility.

Section four. Smoke-free Perimeter

Smoking shall not occur within a distance of 20 feet of an enclosed area to insure that tobacco smoke does not enter the area through entrances, windows, ventilation systems or any other means.

Section five. Posting of Signs

- A. "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it) shall be clearly and conspicuously posted in every building entrance or other areas where smoking is prohibited by this article, by the owner, operator, manager or other person having control of such building or other area.
- B. Every public place where smoking is prohibited by this Article shall have posted at every entrance a conspicuous sign clearly stating that smoking and the use of tobacco products is prohibited.
- C. All signs referred to in this Section shall be a minimum size of 20 square inches and must be placed at a height of between 4 to 6 feet above the floor.
- D. All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited by this article by the owner, operator, manager or other person having control of such area.

Section six. Enforcement

- A. Enforcement of this article shall be conducted by the Town of Ignacio Police Department.
- B. Notice of the provisions set forth in this article shall be given to all applicants for a business license in the Town Ignacio.
- C. Any citizen who desires to register a complaint under this chapter may initiate enforcement with the Police Department.
- D. Any owner, manager, operator or employee of any establishment regulated by this article shall inform persons violating this article of the appropriate provisions thereof and request their compliance.

Section seven. Violations and Penalties

- A. It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this article to fail to comply with any of its provisions.
- B. It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this article.
- C. It shall be unlawful for any person to use any tobacco product where prohibited by the provisions of this article.
- D. Any person who violates any provision of this article shall be guilty of an infraction, punishable by the maximum penalties which may be lawfully imposed by the Ignacio Municipal Court as specified in this Code.
- E. Each day of continuing violation shall be deemed to be a separate violation.

Section eight. Public Education

The Town of Ignacio shall engage in a continuing program to explain and clarify the purposes and requirements of this ordinance to citizens affected by it, and to guide owners, operators and managers in their compliance with it. Such program may include publication of a brochure for affected businesses and individuals explaining the provisions of this ordinance.

Section nine. Other Applicable Laws

This article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Section ten. Severability

If any provision, clause, sentence or paragraph of this article or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

Section eleven. Effective Date

This article shall be effective thirty days after publication in accordance with Colorado law.

Passed, Approved and Ordered published this 13th day of August, 2002.

Wendro W. Silva
Mayor

Attest:

Gregorio M. Valdez
Town Clerk

c:/Ignacio/Ord.Smoke.free.08.02, DWN / rtk

CERTIFIED RECORD

OF

PROCEEDINGS OF THE

BOARD OF TRUSTEES OF

THE TOWN OF IGNACIO, COLORADO

RELATING TO AN ORDINANCE

AUTHORIZING THE CORRECTION OF THE AMOUNT

OF THE OUTSTANDING PRINCIPAL BALANCE OF ITS

SUBORDINATE LIEN SALES TAX REVENUE BONDS

IN THE ORIGINAL PRINCIPAL AMOUNT OF \$500,000

ISSUED ON JUNE 29, 2000

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STATE OF COLORADO)
)
COUNTY OF LA PLATA) ss.
)
TOWN OF IGNACIO)

The Board of Trustees of the Town of Ignacio, Colorado, held a regular meeting open to the public at 540 Goddard, Ignacio, Colorado on July 9th 2002, at the hour of 7:00 p.m.

The following members of the Board of Trustees were present:

KATHERINE GURULE-MAYOR PROTEM
LEROY HERRERA
LUPE HUERTA
KASEY CORREIA
ANNA MARIE QUINTANA

The following members of the Board of Trustees were absent:

GERARDO W. SILVA - MAYOR
LAWRENCE BARTLEY

Trustee HERRERA introduced and moved the adoption of the following Ordinance, which was read by title, copies thereof having previously been made available to the public and members of the Council, as an emergency ordinance:

Seconded by Trustee QUINTANA

All in favor
Katherine Gurule
Leroy Herrera
Lupe Huerta
Kasey Correia
Anna Marie Quintana

ORDINANCE NO. 196

AN EMERGENCY ORDINANCE RELATING TO THE TOWN OF IGNACIO, COLORADO, SUBORDINATE LIEN SALES TAX REVENUE BONDS, SERIES 2000, IN THE ORIGINAL PRINCIPAL AMOUNT OF \$500,000, ISSUED ON JUNE 29, 2000; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; RATIFYING ALL ACTION HERETOFORE TAKEN IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO, ORDAINS:

SECTION 1. DEFINITIONS AND CONSTRUCTION.

A. Definitions. In this Ordinance the following terms have the following respective meanings unless the context hereof clearly requires otherwise:

Board of Trustees or Board: the governing body of Town of Ignacio, Colorado.

Bonds or Bond: those securities issued under Prior Ordinance and designated as the "Town of Ignacio, Colorado, Subordinate Lien Sales Tax Revenue Bonds, Series 2000," dated June 29, 2000, in the aggregate principal amount of \$500,000.

Clerk: the de jure or de facto Town Clerk of the Town or his or her successor in function, if any.

Consent: the Certificate and Consent of the Purchaser dated as of November 15, 2001, relating to the reduction of the interest rate on the Bonds.

Mayor: the de jure or de facto Mayor of the Town, or his or her successor in function, if any.

Ordinance: means this Ordinance of the Town, which provides for the issuance and delivery of the Bonds.

Person: any individual, firm, partnership, corporation, company, association, joint-stock association, or body politic; and the term includes any trustee, receiver, assignee, or other similar representative thereof.

Prior Ordinances: Ordinance No. 177 of the Town authorizing the Bonds.

Purchaser: Wells Fargo Bank West, National Association, and its assigns, if any.

Registered Owner: the Person in whose name a Bond is registered in the Bond Register.

State: the State of Colorado.

Town: the Town of Ignacio, Colorado.

B. Construction. This Ordinance, except where the context by clear implication herein otherwise requires, shall be construed as follows:

- (1) Words in the singular number include the plural, and words in the plural include the singular.
- (2) Words in the masculine gender include the feminine and the neuter, words in the feminine gender include the masculine and the neuter, and when the sense so indicates words of the neuter gender refer to any gender.
- (3) Articles, sections, subsections, paragraphs and subparagraphs mentioned by number, letter, or otherwise, correspond to the respective articles, sections, subsections, paragraphs and subparagraphs of this Ordinance so numbered or otherwise so designated.
- (4) The titles and headlines applied to articles, sections and subsections of this Ordinance are inserted only as a matter of convenience and ease in reference and in no way define, or limit the scope or intent of, any provisions of this Ordinance.

SECTION 2. RECITALS; AUTHORITY.

- A. Necessity. The Board has determined that due to a clerical mistake made with respect to mandatory redemption payments on the Bonds, it is necessary for the Town to acknowledge such clerical mistake, to state the correct amount of outstanding principal amount of the Bonds and to approve revised mandatory redemption schedule with respect to the Bonds.
- B. Authority For Bonds. The Town is authorized by Section 11 of the Prior Ordinance to amend the terms of the Bonds with the consent of Bondholders.

SECTION 3. AMENDMENT OF THE OUTSTANDING PRINCIPAL BALANCE.

- A. Amendment of the Outstanding Principal Balance. In reliance upon the Consent executed by the Purchaser and delivered to the Town, and pursuant to Section 11 of the Prior Ordinance, the Town hereby acknowledges that the Town received an improper payoff information in connection with the refinancing of the Bonds which the Town authorized pursuant to the Ordinance No. 192 and that the outstanding principal balance of the Bonds as of November 15, 2001 should be \$484,308.65, and hereby approves and agrees to the amended mandatory sinking fund redemption payment schedule set forth below and attached to the Consent as Exhibit A.

<u>Payment Due Date</u>	<u>Interest Payment Due</u>	<u>Principal Payment Due</u>	<u>Total Payment Due</u>
December 1, 2001	\$ 1,022.43	\$ 0.00	\$ 1,022.43
June 1, 2002	\$11,502.33	\$ 0.00	\$ 11,502.33
December 1, 2002	\$11,502.33	\$29,565.92	\$41,068.25
June 1, 2003	\$10,800.14	\$ 0.00	\$10,800.14
December 1, 2003	\$10,800.14	\$30,268.11	\$41,068.25
June 1, 2004	\$10,081.27	\$ 0.00	\$10,081.27
December 1, 2004	\$10,081.27	\$30,986.98	\$41,068.25
June 1, 2005	\$ 9,345.33	\$ 0.00	\$ 9,345.33
December 1, 2005	\$ 9,345.33	\$31,722.92	\$41,068.25
June 1, 2006	\$ 8,591.91	\$ 0.00	\$ 8,591.91
December 1, 2006	\$ 8,591.91	\$32,476.34	\$41,068.25
June 1, 2007	\$ 7,820.60	\$ 0.00	\$ 7,820.60
December 1, 2007	\$ 7,820.60	\$33,247.65	\$41,068.25
June 1, 2008	\$ 7,030.97	\$ 0.00	\$ 7,030.97
December 1, 2008	\$ 7,030.97	\$34,037.28	\$41,068.25
June 1, 2009	\$ 6,222.58	\$ 0.00	\$ 6,222.58
December 1, 2009	\$ 6,222.58	\$34,845.67	\$41,068.25
June 1, 2010	\$ 5,395.00	\$ 0.00	\$ 5,395.00
December 1, 2010	\$ 5,395.00	\$35,673.25	\$41,068.25
June 1, 2011	\$ 4,547.76	\$ 0.00	\$ 4,547.76
December 1, 2011	\$ 4,547.76	\$36,520.49	\$41,068.25
June 1, 2012	\$ 3,680.40	\$ 0.00	\$ 3,680.40
December 1, 2012	\$ 3,680.40	\$37,387.85	\$41,068.25
June 1, 2013	\$ 2,792.43	\$ 0.00	\$ 2,792.43
December 1, 2013	\$ 2,792.43	\$38,275.82	\$41,068.25
June 1, 2014	\$ 1,883.38	\$ 0.00	\$ 1,883.38
December 1, 2014	\$ 1,883.38	\$39,184.87	\$41,068.25

<u>Payment Due Date</u>	<u>Interest Payment Due</u>	<u>Principal Payment Due</u>	<u>Total Payment Due</u>
June 1, 2015	\$ 952.74	\$ 0.00	\$ 952.74
December 1, 2015	\$ 952.74	\$40,115.51	\$41,068.25

SECTION 4. MISCELLANEOUS.

A. No Other Change to Bonds. Except as set forth in Section 3 of this Ordinance, all of the covenants, agreements, representations, or warranties contained in the Prior Ordinance, the Ordinance No. 192 amending the Prior Ordinance, and in the Bonds remain in full force and effect, and are hereby ratified and confirmed in all respects.

B. Delegated Duties. The officers and directors of the Town are hereby authorized and directed to enter into such agreements and take all action necessary or appropriate to effectuate the provisions of this Ordinance and to comply with the requirements of law.

C. Ratification. All action heretofore taken (not inconsistent with the provisions of this Ordinance) by the Town or its officers or directors, and otherwise by the Town directed toward the reduction of the interest rate of the Bonds for that purpose, is hereby ratified, approved and confirmed.

D. Facsimile Signatures. Pursuant to the Uniform Facsimile Signature of Public officials Act, Part 1 of Article 55 of Title 11, Colorado Revised Statutes, as amended, the Mayor and the Clerk shall forthwith, and in any event prior to the time the Bonds are delivered to the Underwriter, file with the Colorado Secretary of State their manual signatures certified by them under oath, using a suitable Facsimile Signature Certificate for said purpose.

E. Ordinance Irrepealable. This Ordinance is, and shall constitute, a legislative measure of the Town and after any of the Bonds are issued, this Ordinance shall constitute an irrevocable contract between the Town and the Registered Owner or Registered Owners of the Bonds; and this Ordinance, if any Bonds are in fact issued, shall be and shall remain irrepealable until the Bonds, as to all Debt Service Requirements, shall be fully paid, canceled and discharged, as herein provided.

F. Repealer. All ordinances, resolutions, bylaws, orders, and other instruments, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaws, order, or other instrument, or part thereof, heretofore repealed.

G. Severability. If any section, subsection, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or

unenforceability thereof shall not affect any of the remaining sections, subsections, paragraphs, clauses or provisions hereof.

H. Emergency Clause and Effective Date. A public emergency affecting the preservation of the public peace, health and safety is hereby declared to exist by reason of the need to immediately issue and sell the Bonds during the current favorable interest rate environment, in order to reduce the costs associated with the Project.

INTRODUCED AND APPROVED AS AN EMERGENCY ORDINANCE THIS NINTH DAY OF JULY, 2002.

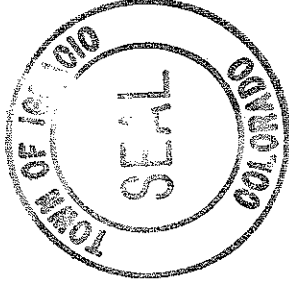
TOWN OF IGNACIO, COLORADO

Attest:

Jessamyn M. Valdez

Town Clerk

(TOWN SEAL)



By: *Katherine Graham*
Mayor - Pro Tem

The motion to adopt the foregoing Ordinance was duly seconded by Trustee Quintana, put to a vote and carried upon the following vote:

Those voting YES:

Katherine Gurule
Leroy Herrera
Lupe Huerta
Kasey Correia
Anna Marie Quintana

Those voting NO:

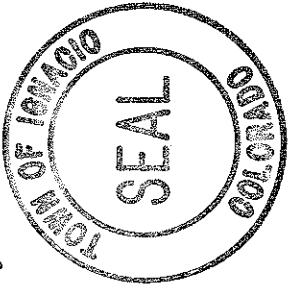
None

Those not present: Gerardo Silva
Lawrence Bartley


Thereupon the Mayor declared that a majority of the members of the Board having voted in favor thereof, the motion carried and the Ordinance was duly passed and adopted on as an emergency ordinance.

Thereupon it was ordered that said Ordinance be published in full in a newspaper of general circulation in the Town.

After consideration of other business to come before the Board, the meeting was adjourned.



(TOWN SEAL)



Mayor - Pro Tem
Town of Ignacio, Colorado

STATE OF COLORADO)
)
COUNTY OF LA PLATA) ss.
)
TOWN OF IGNACIO)

I, Jose B. Quintana, ~~the~~ duly chosen, qualified and acting Town Manager of the Town of Ignacio, Colorado, do hereby certify that the foregoing pages, and the following Exhibit A, constitute a true and correct copy of the Record of the Proceedings of the Board of Trustees of said Town, adopted at regular meetings of the Board, held in Ignacio, Colorado on Tuesday, the 9th day of July, 2002, as recorded in the official Record of the Proceedings of said Town kept in the office of the Town Clerk, insofar as said proceedings relate to an ordinance authorizing the reduction of interest rate of its Subordinate Lien Sales Tax Revenue Bonds, Series 2000 issued on June 29, 2000; that said proceedings were duly had and taken; that the meeting was duly held; that the persons were present at said meeting as therein shown; that the Ordinance was duly published in a newspaper of general circulation in the Town, as evidenced by the Affidavit of publication attached hereto at page " " _____.

WITNESS my hand and the seal of the Town, this ninth day of July, 2002.



TOWN OF IGNACIO, COLORADO

Town Manager

(TOWN SEAL)

STATE OF COLORADO)

) ss.

COUNTY OF LA PLATA)

[AFFIDAVIT OF PUBLICATION]

AMENDED
CERTIFICATE AND CONSENT

\$500,000
TOWN OF IGNACIO, COLORADO
SUBORDINATE LIEN SALES TAX REVENUE BONDS
SERIES 2000

The undersigned (the "Company") hereby certifies that it is the holder of 100% of the outstanding bonds, as captioned above (the "Bonds").

The undersigned hereby consents and agrees to the revised debt service schedule attached hereto as Exhibit A and the adoption by the Town of Ignacio, State of Colorado, of the proposed emergency ordinance, in substantially the form attached hereto as Exhibit B.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand in her capacity as an officer of the Company, and not individually, as of July ____, 2002.

WELLS FARGO BANK WEST,
NATIONAL ASSOCIATION

By: _____
Vice President

Attest:

Assistant Secretary
(COMPANY SEAL)

Exhibit A

Debt Service Schedule

Exhibit B

Proposed Ordinance

ORDINANCE NO. 195

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO AMENDING THE CODE OF THE TOWN OF IGNACIO REGARDING WORK CONDUCTED BY CONTRACTORS WITHIN THE TOWN.

WHEREAS, the Town has experienced damage to utilities within the Town by Contractors who fail to obtain the required utility locations, and

WHEREAS, damage to utilities has occurred from contractors conducting unauthorized work on town utilities, and

WHEREAS, potential liability exists for contractors conducting work within Town without obtaining the appropriate permits, and

WHEREAS, the health, safety and welfare of the citizens of the Town will be benefitted by the control of work within right of ways an on utilities by contractors within the Town,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO AS FOLLOWS:

Section 3-6-1 of the Town Code is amended to read as follows:

3-6-1 Building Contractor

Any person, corporation, partnership, or other entity which engages in any construction, erection, enlargement, alteration, repair, movement, removal, conversion, demolition, remodel or other alteration of any structure within the Town or any such person or entity which conducts any work of any kind within the public rights of way, alley ways or easements within the Town including but not limited to excavation and tree trimming, or which in any way conducts any work to or any alteration of any Town street, sidewalk or utility, including but not limited to water utility, irrigation water utility or gas utility within the Town.

Section 3-6-3 of the Town Code is amended by the addition of section (I) as follows:

3-6-3 (I). Provision of proof of insurance or bonds as required by any section of the Town Code.

Section 2-8 of the Town Code is amended as follows:

Section 2-8 of the Code is amended as follows:

2-8 PERMIT FOR WORK WITHIN RIGHT OF WAY

All referenced to "Excavation Permit" shall be amended to read "Right of Way Permit".

Section 2-8-1 of the Town Code shall be amended as follows:

2-8-1 Right of Way Permit Required

It shall be unlawful for any person, other than the Town through its employees or those persons under contract with the Town, to excavate, cut, open, trench or conduct any other work of any type in, on, under, above, upon or within any street, sidewalk, curb, gutter, alley or other public place within the Town without having first obtained a Permit as required by this section. It shall be specifically unlawful for any person to conduct any work on or in any way interfere with or alter any Town utility regardless of location without having lawfully requested a utility location and without having received prior permission from the Town to conduct the proposed work.

Section 2-8-1.1 of the Code is amended as follows:

2-8-1-1 Application.

Applications for an excavation permit shall be made on forms provided by the Town Clerk and shall contain the following information:

- a) Name and mailing address of applicant.
- b) Description of proposed work.
- c) Location of proposed work.
- d) Reason for work.
- e) Estimated square yards of surface excavation linear feet of curb excavation.
- f) Signature of applicant.
- g) Signature of Manager.

All applications shall be accompanied by a fee of Ten Dollars (\$10.00), appropriate insurance certificates as required herein and any payment to the Ignacio general fund.

Approved, adopted and ordered published by the Board of Trustees this 9th day of

April, 2002.

Gerardo W. Silva
Mayor

attest:

Georganna M. Valdez
Clerk

ORDINANCE #194

An ordinance appropriating additional sums of money to defray expenses in excess of amounts budgeted for the Town of Ignacio, Colorado.

WHEREAS, the Town's General Fund started the year with a healthy beginning balance of \$304,703 and received \$143,521 in unanticipated revenues from specific ownership tax, local sales tax, county sales tax, franchise tax, penalties, building permits, vendor permits, contractor license, Waste Tire Grant, Cops Universal Grant, severance tax, mineral lease, Ignacio Business Boosters, baseball recreation fees, court fines, and interest income, not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's Gas Fund started the year with a healthy beginning balance of \$343,030 and received \$88,700 in unanticipated revenues from gas residential sales, gas commercial sales, gas tap fees, gas taxes collected, miscellaneous income, and interest income, not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's General Fund expenses are expected to be \$95,784 higher than anticipated due to police salary increase which also affects police pension, overtime, crossing guard wages, increase in health insurance costs, office supplies, repair & maintenance supplies, higher cost of unleaded fuel for police vehicles, membership fees, telephone, travel & meetings, Camp Courage expenses, miscellaneous expenses, purchase of police vehicle, capital outlay items such as carpet for office, radar trailer, speed sign, and purchase K-9 dog for police, salaries for public works which also affects FICA, retirement, and medicare, overtime, increase in health insurance costs, contract work, operating supplies, higher cost of fuel for vehicles, snow removal, commercial trash during clean-up week, and miscellaneous expenses for public works, salary increase for park maintenance which also affects FICA and retirement, overtime, electric & water utility costs, and miscellaneous expenses for the park, not planned at the time of the preparation of the budget, and,

WHEREAS, the Gas Fund expenses are expected to be \$92,325 higher than anticipated due to overtime, FICA taxes, gas contract work, office supplies, operating supplies, repair & maintenance supplies, higher cost of unleaded and diesel fuel for vehicles, higher cost of gas supply, printing services for billing forms, cell phone, new program of weatherization audits, miscellaneous expenses for gas department, bank service charge, refunds, gas sales tax, and purchase of odorizer for city gate where gas is metered, not planned at the time of the preparation of the budget, and,

NOW THEREFORE, be it ordained by the Town Board of Trustees of the Town of Ignacio, Colorado:

Section 1. That the 2001 appropriation for the General Fund is hereby increased from \$1,001,112 to \$1,096,896 for the purpose of police salary increase which also affects police pension, overtime, crossing guard wages, increase in health insurance costs, office supplies, repair & maintenance supplies, higher cost of unleaded fuel for police vehicles, membership fees, telephone, travel & meetings, Camp Courage expenses, miscellaneous expenses, purchase of police vehicle, capital outlay items such as carpet for office, radar trailer, speed sign, and

purchase K-9 dog for police, salaries for public works which also affects FICA, retirement, and medicare, overtime, increase in health insurance costs, contract work, operating supplies, higher cost of fuel for vehicles, snow removal, commercial trash during clean-up week, and miscellaneous expenses for public works, salary increase for park maintenance which also affects FICA and retirement, overtime, electric & water utility costs, and miscellaneous expenses for the park. The expenses will be covered by unanticipated revenues and beginning balance.

Section 2. That the 2001 appropriation for the Gas Fund is hereby increased from \$405,724 to \$498,049 for the purpose of overtime, FICA taxes, gas contract work, office supplies, operating supplies, repair & maintenance supplies, higher cost of unleaded and diesel fuel for vehicles, higher cost of gas supply, printing services for billing forms, cell phone, new program of weatherization audits, miscellaneous expenses for gas department, bank service charge, refunds, gas sales tax, and purchase of odorizer for city gate where gas is metered. The expenses will be covered by unanticipated revenues and beginning balance.

ADOPTED, this 11th day of December, A.D., 2001.

Gerardo W. Silva
Mayor, Gerardo W. Silva

ATTEST Georgina McVadney
Town Clerk

DATE December 11, 2001

ORDINANCE # 193

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE TOWN OF IGNACIO, COLORADO FOR THE 2002 BUDGET YEAR.

WHEREAS, the Board of Trustees has made provisions for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and;

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purpose described below, so as not to impair the operation of the Town.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO;

Section 1. That the following sums are hereby appropriated from the revenues of each fund, to each fund, for the purpose stated.

GENERAL FUND:

Current operating expenses:	\$ 946,479
Transfers:	\$ 197,067
Total:	\$1,143,546

CAPITAL IMPROVEMENT FUND:

Capital projects:	\$650,333
Transfers:	\$ 20,000
Total:	\$670,333

IRRIGATION SYSTEM IMPROVEMENT FUND:

\$ 26,165

DEBT SERVICE FUND:

\$176,567

WATER FUND:

Operating expenses:	\$214,695
Transfers:	\$ 0
Total:	\$214,695

GAS FUND:

Operating expenses:

\$547,853

Transfers:

\$ 32,600

Total:

\$580,453

CONSERVATION TRUST FUND:

\$ 15,104

ADOPTED THIS 11TH DAY OF DECEMBER A.D. 2001.

Gerardo W. Silva

Gerardo W. Silva, Mayor

ATTEST: Georgina M. Valdez
Town Clerk

ORDINANCE NO. 192

AN EMERGENCY ORDINANCE RELATING TO THE TOWN OF IGNACIO, COLORADO, SUBORDINATE LIEN SALES TAX REVENUE BONDS, SERIES 2000, IN THE ORIGINAL PRINCIPAL AMOUNT OF \$500,000, ISSUED ON JUNE 29, 2000; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; RATIFYING ALL ACTION HERETOFORE TAKEN IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO, ORDAINS:

SECTION 1. DEFINITIONS AND CONSTRUCTION.

A. Definitions. In this Ordinance the following terms have the following respective meanings unless the context hereof clearly requires otherwise:

Board of Trustees or Board: the governing body of Town of Ignacio, Colorado.

Bonds or Bond: those securities issued under the Prior Ordinance and designated as the "Town of Ignacio, Colorado, Subordinate Lien Sales Tax Revenue Bonds, Series 2000," dated June 29, 2000, in the aggregate principal amount of \$500,000.

Clerk: the de jure or de facto Town Clerk of the Town or his or her successor in function, if any.

Consent: the Certificate and Consent of the Purchaser dated as of November 15, 2001, relating to the reduction of the interest rate on the Bonds.

Mayor: the de jure or de facto Mayor of the Town, or his or her successor in function, if any.

Ordinance: means this Ordinance of the Town, which provides for the issuance and delivery of the Bonds.

Person: any individual, firm, partnership, corporation, company, association, joint-stock association, or body politic; and the term includes any trustee, receiver, assignee, or other similar representative thereof.

Prior Ordinance: Ordinance No. 177 of the Town authorizing the Bonds.

Purchaser: Wells Fargo Bank West, National Association, and its assigns, if any.

State: the State of Colorado.

Town: the Town of Ignacio, Colorado.

B. Construction. This Ordinance, except where the context by clear implication herein otherwise requires, shall be construed as follows:

- (1) Words in the singular number include the plural, and words in the plural include the singular.
- (2) Words in the masculine gender include the feminine and the neuter, words in the feminine gender include the masculine and the neuter, and when the sense so indicates words of the neuter gender refer to any gender.
- (3) Articles, sections, subsections, paragraphs and subparagraphs mentioned by number, letter, or otherwise, correspond to the respective articles, sections, subsections, paragraphs and subparagraphs of this Ordinance so numbered or otherwise so designated.
- (4) The titles and headlines applied to articles, sections and subsections of this Ordinance are inserted only as a matter of convenience and ease in reference and in no way define, or limit the scope or intent of, any provisions of this Ordinance.

SECTION 2. RECITALS; AUTHORITY.

- A. Necessity. The Board has determined that given current economic conditions, it is necessary for the Town to reduce the rate of interest on the Bonds.
- B. Authority For Bonds. The Town is authorized by Section 11 of the Prior Ordinance to amend the terms of the Bonds with the consent of Bondholders.

SECTION 3. REDUCTION OF INTEREST RATE.

- A. Reduction of Interest Rate. In reliance upon the Consent executed by the Purchaser and delivered to the Town, and pursuant to Section 11 of the Prior Ordinance, the Town hereby approves the amendment of the Bonds to provide for the reduction in the interest rate from the existing rate to 4.75% for the remaining term of the Bonds, and hereby agrees to the debt service schedule attached to the Consent as Exhibit A.

SECTION 4. MISCELLANEOUS.

- A. No Other Change to Bonds. Except as set forth in Section 3 of this Ordinance, all of the covenants, agreements, representations, or warranties contained in the Prior Ordinance and in the Bonds remain in full force and effect, and are hereby ratified and confirmed in all respects.

B. Delegated Duties. The officers and directors of the Town are hereby authorized and directed to enter into such agreements and take all action necessary or appropriate to effectuate the provisions of this Ordinance and to comply with the requirements of law.

C. Ratification. All action heretofore taken (not inconsistent with the provisions of this Ordinance) by the Town or its officers or directors, and otherwise by the Town directed toward the reduction of the interest rate of the Bonds for that purpose, is hereby ratified, approved and confirmed.

D. Facsimile Signatures. Pursuant to the Uniform Facsimile Signature of Public officials Act, Part 1 of Article 55 of Title 11, Colorado Revised Statutes, as amended, the Mayor and the Clerk shall forthwith, and in any event prior to the time the Bonds are delivered to the Underwriter, file with the Colorado Secretary of State their manual signatures certified by them under oath, using a suitable Facsimile Signature Certificate for said purpose.

E. Ordinance Irrepealable. This Ordinance is, and shall constitute, a legislative measure of the Town and after any of the Bonds are issued, this Ordinance shall constitute an irrevocable contract between the Town and the Registered Owner or Registered Owners of the Bonds; and this Ordinance, if any Bonds are in fact issued, shall be and shall remain irrepealable until the Bonds, as to all Debt Service Requirements, shall be fully paid, canceled and discharged, as herein provided.

F. Repealer. All ordinances, resolutions, bylaws, orders, and other instruments, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaws, order, or other instrument, or part thereof, heretofore repealed.

G. Severability. If any section, subsection, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability thereof shall not affect any of the remaining sections, subsections, paragraphs, clauses or provisions hereof.

H. Emergency Clause and Effective Date. A public emergency affecting the preservation of the public peace, health and safety is hereby declared to exist by reason of the need to immediately issue and sell the Bonds during the current favorable interest rate environment, in order to reduce the costs associated with the Project.

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INTRODUCED AND APPROVED AS AN EMERGENCY ORDINANCE THIS 13th

DAY OF November, 2001.

TOWN OF IGNACIO, COLORADO

By: Gerardo W. Silva

Mayor

Attest:

Araceli M. Valley
Town Clerk



The motion to adopt the foregoing Ordinance was duly seconded by Trustee M. Quintana put to a vote and carried upon the following vote:

Those voting YES:

Gerardo W. Silva, Mayor
Lawrence Bartley
Katherine Gurule
Leroy Herrera
Lupe Huerta
Anna Marie Quintana

Those voting NO:

None

Those not present: Raymond Larsen

Thereupon the Mayor declared that a majority of the members of the Board having voted in favor thereof, the motion carried and the Ordinance was duly passed and adopted on as an emergency ordinance.

Thereupon it was ordered that said Ordinance be published in full in a newspaper of general circulation in the Town.

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After consideration of other business to come before the Board, the meeting was adjourned.

Brandon Silva
Mayor
Town of Ignacio, Colorado



ORDINANCE 191

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO, AMENDING CHAPTER VIII OF THE TOWN CODE REGARDING CHANGES TO BOARD OF ADJUSTMENT SECTION 8-2-2.

WHEREAS, the Town of Ignacio, Colorado (the “Town”) had adopted zoning and land use regulations that calls for a Planning Commission and Board of Adjustment made up of town citizens; and,

WHEREAS, the effect of these appointed citizen groups is similar, affecting the zoning and land use codes; and,

WHEREAS, the method of application, publicizing, and voting is very different, which serves no purpose except to potentially jeopardize the consistency and fairness of the process for the town citizens; and,

WHEREAS, Colorado Statute allows the Town Board to address voting requirements of the Board of Adjustment,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO AS FOLLOWS:

Section 8-2-2-2 of the Town Code is amended to add powers for members, which shall read as follows:

8-2-2-2.10 Act only when there is a quorum of the appointed members, including alternate members.

Section 8-2-2-2.4 of the Town Code is amended to change the duties, which shall read as follows:

.4 Publish or cause to be published a notice of a hearing in a local newspaper of general circulation. A hearing is to be conducted for every adjustment, variance or exception applied for under this Ordinance.

Sections 8-2-2-4 and -5 of the Town Code is amended to change the number of votes necessary, which shall read as follows:

4. Vote Necessary

The concurring vote of three (3) members of the Board of Adjustment will be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance or to effect any variation in this Ordinance.

5. Administrative Review

To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative officials in the enforcement of this Ordinance and may revise, affirm or modify any administrative action relative thereto. The concurring vote of three (3) members of the Board of Adjustment is necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance or effect any variation of this Ordinance.

Section 8-3-7.2 of the Town Code is amended to add to notice requirements for the Board of Adjustment application:

.2 Notice of time and place of a public hearing shall be given in such manner as may be directed by the Board of Adjustment. Notice of the public hearing shall be mailed by the applicant to the owners, as shown by the records of the County Assessor, of lots or land within the area being considered and within 100 feet, excluding public right-of-way, of the area of the proposed. Proof of mailing notices is required to be presented to staff and staff to keep with application.

(The original portion follows this paragraph and remains the same as currently written)

Adopted and ordered published this 14th day of August, 2001

TOWN OF IGNACIO, COLORADO:

By: David W. Silva
Mayor

Attest:

By: Georgina McAlister

ORDINANCE 190

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO, AMENDING CHAPTER VIII OF THE TOWN CODE REGARDING CHANGES TO SET BACKS ON GODDARD UNDER SECTION 8-5-5.

WHEREAS, the Town of Ignacio, Colorado (the "Town") had adopted zoning and land use regulations;

WHEREAS, the Planning Commission and town staff have reviewed these codes and found a need to clarify the requirements for fairer implementation,

WHEREAS, Goddard or Highway 172 is the main thoroughfare of the Town of Ignacio and most buildings do not follow the current code of a 20 foot front setback; and,

WHEREAS, if a building or sign were required to follow the 20 foot front setback they would be less visible to the public and for attracting business; and,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO TO BE AS FOLLOWS:

Section 8-5-5 Table of Minimum and Maximum District Standards to be amended to change the Resolution 08-2000 7/11/00 which changed setbacks on Goddard, which shall now read as follows:

8-5-5 On Goddard a 0' side and front setback is allowed along the whole block. (Refer to fire standards under adopted UBC, 1997)

Adopted and ordered published this 14th day of August, 2001

TOWN OF IGNACIO, COLORADO:

By: Gerardo W. Silva
Mayor

Attest:

By: Bergan McVee