

Legals

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—TOWN OF MT. CRESTED BUTTE—
ORDINANCE NO. 11
SERIES 2022

AN EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MT CRESTED BUTTE, COLORADO, AUTHORIZING THE LEASING OF CERTAIN EQUIPMENT AND THE EXECUTION AND DELIVERY BY THE TOWN OF A MASTER LEASE-PURCHASE AGREEMENT AND OTHER FINANCING DOCUMENTS IN CONNECTION THEREWITH; SETTING FORTH PARAMETERS AND RESTRICTIONS WITH RESPECT TO THE FINANCING; RATIFYING ACTION PREVIOUSLY TAKEN CONCERNING THE REFERENCED TRANSACTIONS; AND PROVIDING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the Town of Mt. Crested Butte, Colorado is a home rule municipality and political subdivision of the State of Colorado (the "State") organized and existing under a home rule charter (the "Charter") pursuant to Article XX of the Constitution of the State; and WHEREAS, pursuant to Article XIII, Section C of the Charter, the Town is authorized to lease, for such term as Town Council shall determine, any real or personal property to or from any person, firm or corporation, public or private, governmental or otherwise; and WHEREAS, for the purpose of financing the costs of acquiring certain equipment for Town purposes (the "Leased Property"), the Town has determined that it is in the best interest of the Town and its residents and taxpayers to enter into a Master Lease-Purchase Agreement (the "Lease") with JPMORGAN CHASE BANK, N.A. (the "Lessor") in an amount not to exceed \$1,000,000, for the purpose of acquiring certain vehicles or equipment for Town purposes, including the acquisition of a plow truck and loader (the "Project"); and WHEREAS, pursuant to the Lease, and subject to the right of the Town to terminate the Lease and other limitations as therein provided, the Town will pay certain rental payments ("Rent Payments" as such terms are defined in the Lease) in consideration for the right of the Town to use the Leased Property; and WHEREAS, pursuant to the terms of the Lease, the Lessor will advance funds for the Project to the Town, and such funds related to any advance shall be held in an escrow account pursuant to the terms of an escrow agreement, as may be amended from time to time, by and between the Town, the Lessor, and an escrow bank selected to provide such services (the "Escrow Agreement"); and WHEREAS, the Town's obligation under the Lease to pay Rent Payments shall be from year to year only; shall constitute currently budgeted expenditures of the Town; shall not constitute

a mandatory charge or requirement in any ensuing budget year; and shall not constitute a general obligation or other indebtedness or multiple fiscal year financial obligation of the Town within the meaning of any constitutional or statutory limitation or requirement concerning the creation of indebtedness or multiple fiscal year financial obligation, nor a mandatory payment obligation of the Town in any ensuing fiscal year beyond any fiscal year during which the Lease shall be in effect; and WHEREAS, there has been presented to the Town Council and is on file at the Town offices a form of Lease and Escrow Agreement; and WHEREAS, a copy of the Lease and the Escrow Agreement, in substantially the forms to be executed by the Town and the Lessor, are on file with the Town; and WHEREAS, Section 11-57-204 of the Supplemental Public Securities Act, constituting Title 11, Article 57, Part 2, Colorado Revised Statutes (the "Supplemental Act"), provides that a public entity, including the Town, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act to the Lease and the financing; and WHEREAS, pursuant to Article IV, Section K of the Charter, because of the urgent need for the financing of the Project and the limited availability of low interest loans, the Town Council has determined that an emergency exists and that adoption of this Ordinance as an emergency measure is immediately necessary for the immediate preservation of the public peace, health, safety and welfare. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO: **Section 1.** Ratification and Approval of Prior Actions. All action heretofore taken not inconsistent with the provisions of this Ordinance by the Town Council, or the officers or agents of the Town Council or the Town, relating to the Lease, or to the acquisition, installation or financing of the Project, is hereby ratified, approved and confirmed. **Section 2.** Finding of Best Interest. The Town Council hereby finds and determines, pursuant to the Supplemental Act, the Charter, Constitution and laws of the State, that the acquisition of the Project and the financing of the costs thereof pursuant to the terms set forth in the Lease and Escrow Agreement is necessary, convenient, and in furtherance of the purposes of the Town and is in the best interests of the Town and its citizens and inhabitants, and the Town Council hereby authorizes and approves the same. **Section 3.** Supplemental Act; Parameters. The Town Council hereby elects to apply all of the provisions of the Supplemental Act to the Lease and in

connection therewith delegates to the Mayor, the Mayor Pro Tem, the Town Manager and the Finance Director of the Town the independent authority to make any determination delegable pursuant to Section 11-57-205(1) (a-i) of the Supplemental Act in relation to the Lease, including without limitation the date of the Lease, the rental amount to be paid by the Town pursuant to the Lease and the term of the Lease, subject to the following parameters and restrictions: (a) the Lease Term shall not extend beyond December 31, 2035; (b) the aggregate principal amount of the Lease shall not exceed \$1,000,000; (c) the tax-exempt interest rate shall not exceed 5.90%, and the taxable interest rate shall not exceed []%; and (d) the Lease shall be subject to prepayment at the option of the Town as specified in the Lease. **Section 4.** Approval of Documents. The Lease, in substantially the forms presented to this meeting of the Town Council, is in all respects approved, authorized and confirmed, and the Town Manager and Town Clerk are hereby authorized and directed, for and on behalf of the Town, to execute and deliver the Lease and related documents (collectively, the "Financing Documents") in substantially the forms on file with the Town, with such changes thereto as are not inconsistent with the provisions of this Ordinance. The approval hereby given to the Financing Documents includes an approval of such additional details therein as may be necessary and appropriate for their completion, deletions therefrom and additions thereto as may be approved by bond counsel prior to the execution of the Financing Documents. The execution of any instrument by the appropriate officers of the Town herein authorized shall be conclusive evidence of the approval by the Town of such instrument in accordance with the terms hereof. **Section 5.** Authorization to Execute Collateral Documents and to Perform Additional Acts. The Town Manager, the Finance Director, the Town Clerk, and other appropriate officials or agents of the Town Council or the Town, are hereby authorized and directed to execute and deliver for and on behalf of the Town any and all additional certificates, documents, instruments and other papers, and to perform all other acts that they may deem necessary or appropriate, in order to implement and carry out the transactions and other matters authorized by this Ordinance. The execution of any instrument by the aforementioned officers or members of the Town Council shall be conclusive evidence of the approval by the Town of such instrument in accordance with the terms hereof and thereof.

Section 6. No General Obligation Debt. No provision of this Ordinance or the Financing Documents shall be construed as creating or constituting a general obligation or other indebtedness or multiple fiscal year direct or indirect Town debt or other financial obligation whatsoever of the Town within the meaning of any home rule charter, constitutional or statutory provision, nor a mandatory charge or requirement against the Town in any ensuing fiscal year beyond the then current fiscal year. The Town shall not have any obligation to make any payment with respect to the Lease except in connection with the payment of the Rent Payments (as defined in the Lease) and certain other payments under the Lease, which payments may be terminated by the Town in accordance with the provisions of the Lease. No provision of the Financing Documents shall be construed or interpreted as creating an unlawful delegation of governmental powers nor as a donation by or a lending of the credit of the Town within the meaning of Sections 1 or 2 of Article XI of the Colorado Constitution. None of the Financing Documents shall directly or indirectly obligate the Town to make any payments beyond those budgeted and appropriated for the Town's then current fiscal year. **Section 7.** Reasonableness of Rentals. The Town Council hereby determines and declares that the Rent Payments, as provided in the Lease and as subject to the parameters set forth in Section 3 hereof, does not exceed a reasonable amount so as to place the Town under an economic compulsion to renew the Lease or to exercise its option to prepay the Lease. The Town Council hereby determines and declares that the period during which the Town has an option to prepay the Lease (i.e., the entire maximum term of the Lease) does not exceed the useful life of the Leased Property. **Section 8.** Authorized Lessee Representative. The Town Council hereby authorizes the Mayor, the Town Manager and the Finance Director to each act as Authorized Lessee Representative under the Lease, or such other person or persons who may be so designated in writing from time to time by the Town Council. **Section 9.** No Recourse Against Officers and Agents. Pursuant to Section 11-57-209 of the Supplemental Act, if a member of the Town Council, or any officer or agent of the Town acts in good faith, no civil recourse shall be available against such member, officer, or agent for payment of the Rent Payments. Such recourse shall not be available either directly or indirectly through the Town Council or the Town, or otherwise,

whether by virtue of any constitution, statute, rule of law, enforcement of penalty, or otherwise. **Section 10.** Severability. If any one or more sections, sentences, clauses or parts of this Ordinance shall for any reason be held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Ordinance so held unconstitutional or invalid, and the inapplicability and invalidity of any section, sentence, clause or part of this Ordinance in any one or more instances shall not affect or prejudice in any way the applicability and validity of this Ordinance in any other instances. **Section 11.** Repealer. All bylaws, orders, and Ordinances of the Town, or parts thereof, inconsistent with this Ordinance or with any of the Financing Documents hereby approved, are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, or Ordinance of the Town, or part thereof, heretofore repealed. **Section 12.** Emergency Declaration. By reason of the Town's need to complete the Project to provide for the immediate preservation of public health, safety and welfare of its citizens, the further need to acquire financing to complete the Project with the limited availability of low interest financing, the Town Council declares that this Ordinance is an emergency ordinance, that this Ordinance is necessary for the immediate preservation of the public peace, health and safety, and that this Ordinance shall be in full force and effect immediately after its passage by an affirmative vote of five (5) of the members of the Town Council. **Section 13.** Effective Date and Disposition. After its approval by the unanimous vote of the council members present or by the affirmative vote of not less than five (5) members of the Town Council, whichever is less, this Ordinance shall be recorded, published within ten (10) days after passage and posted for informational purposes and authenticated by the signature of the Mayor and the Town Clerk as required by the Charter. This Ordinance shall become effective immediately upon final passage. **PASSED, ADOPTED AS AN EMERGENCY ORDINANCE AND ORDERED PUBLISHED IN FULL** this 18th day of October, 2022. TOWN OF MT. CRESTED BUTTE, COLORADO /s/ Nicholas Kempin, Mayor ATTEST: /s/ Tiffany O'Connell, Town Clerk Published in the *Crested Butte News*. Issue of October 28, 2022. #102802

—LEGAL NOTICE—
CRESTED BUTTE FIRE PROTECTION DISTRICT
NOTICE AS TO PROPOSED BUDGET

NOTICE is hereby given that a proposed budget has been submitted to the Crested Butte Fire Protection District for the ensuing year of 2023; a copy of such proposed budget has been filed in the office the Chief Executive, 308 Third Street, Crested Butte, Colorado where the same is open for public inspection; such proposed budget will be considered at meeting of the Board of Directors to be held at 5:00 PM on November 8, 2022 at Fire Station #2 located at 751 Gothic Road, Mt. Crested Butte, CO 81225. Any interested elector of may inspect the proposed budget and file or register any objections thereto at any time prior to the final adoption of the budget. CRESTED BUTTE FIRE PROTECTION DISTRICT By: Sean M. Caffrey, CEO

Published in the *Crested Butte News*. Issues of October 21 and 28, 2022. #102103

—TOWN OF MT. CRESTED BUTTE—
ORDINANCE NO. 13
SERIES 2022

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO AMENDING ORDINANCE NO. 1, SERIES 2021, TO MODIFY PART II (1) AND (2) SPEED REGULATIONS, SECTION 1101 SPEED LIMITS AND SECTION 1101(12) INTRODUCED, READ AND ORDERED PUBLISHED at a regular meeting of the Town Council on the

18th day of October, 2022 at Mt. Crested Butte, Colorado. Second reading scheduled for November 15, 2022. Full copies of this ordinance are available by contacting Tiffany O'Connell, Town Clerk, toconnell@mtcb.colorado.gov or 970-349-6632. Published in the *Crested Butte News*. Issues of October 21 and 28, 2022. #102104

—NOTICE OF PUBLIC HEARING BEFORE THE TOWN COUNCIL—
TOWN OF MT. CRESTED BUTTE, COLORADO

Please take notice that the Mt. Crested Butte Town Council will hold a public hearing on Tuesday, November 15, 2022, at 6:00 P.M. in person and virtually. All interested parties are encouraged to submit written comments, attend in person or virtually. Please use the information below: The purpose of the hearing is for public input on Ordinance No. 14 Series 2022 – An Ordinance of the Town Council of the Town of Mt. Crested Butte, Colorado, Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Town of Mt. Crested Butte, Colo-

rado for the Calendar Year Beginning on the First Day of January 2023 and Ending on the Last Day of December 2023. To view the full ordinance please contract Tiffany O'Connell at toconnell@mtcb.colorado.gov or 970-349-6632. All interested persons are requested to attend. Those who speak at the public hearing shall be allowed a maximum of 3 minutes to express their comments to the Town Council. Written comments are encouraged and should be received digitally at toconnell@mtcb.colorado.gov or mail to the Town Office, PO Box 5800, Mt.

Crested Butte, CO 81225-5800 or by fax to (970) 349-6326, by Thursday, November 10th at 5:00 P.M., Mountain Time. No action or discussion shall take place by the Town Council until the public hearing is officially closed. To attend virtually please go to: https://mtcrestedbuttecolorado.civicweb.net/portal/ Dated this 24th day of October, 2022. /s/ Tiffany O'Connell Town Clerk Published in the *Crested Butte News*. Issue of October 28, 2022. #102805

—TOWN COUNCIL REGULAR MEETING—
NOVEMBER 1, 2022– 6:00 P.M.
MT. CRESTED BUTTE, COLORADO

The Town Council of the Town of Mt. Crested Butte will be having a regular town council meeting on November 1, 2022 at 6:00 P.M. The agenda and packet will be posted to the Town's website no later than 24 hours prior to the meeting. This meeting will be at the Mt. Crested Butte Town Hall, 911 Gothic Road, Mt. Crested Butte. Please review the meeting agenda on the website for attendance options.

Please go to https://mtcrestedbuttecolorado.civicweb.net/portal/ or contact Mt. Crested Butte Town Hall at (970) 349-6632 for the agenda. Subscribe to the Town website to receive notifications when agendas are posted here: https://mtcrestedbuttecolorado.civicweb.net/Portal/Subscribe.aspx Published in the *Crested Butte News*. Issue of October 28, 2022. #102803

