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**TOWN OF PAGOSA SPRINGS, COLORADO**

**ORDINANCE NO. 806  
(SERIES 2014)**

AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS APPROVING A LOAN AGREEMENT BETWEEN THE TOWN OF PAGOSA SPRINGS, PAGOSA FIRE DISTRICT, UPPER SAN JUAN HEALTH SERVICE DISTRICT, ARCHULETA COUNTY AND BANK OF THE SAN JUANS TO REFINANCE AN EXISTING LOAN THAT HAD BEEN USED TO PURCHASE ARCHULETA COUNTY CONSOLIDATED EMERGENCY COMMUNICATION CENTER DISPATCH EQUIPMENT; AUTHORIZING OFFICIALS OF THE TOWN TO TAKE ALL ACTION NECESSARY TO CARRY OUT THE TRANSACTIONS CONTEMPLATED HEREBY AND PROVIDING FOR RELATED MATTERS

WHEREAS, the Town of Pagosa Springs (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003, as amended on April 3, 2012; and

WHEREAS, pursuant to Section 1.4 of the Charter, the Town has all of the power of local self-government and home rule and all power possible for a municipality to have under the Constitution and laws of the State of Colorado; and

WHEREAS, pursuant to Charter Section 9.14, the Town is authorized to borrow money and enter into obligations as determined by Town Council to be in the best interests of the Town; and

WHEREAS, in 2008, the Town Council determined that it was in the best interests of the Town to enter into an intergovernmental agreement with Archuleta County (the “County”), Pagosa Fire Protection District and Upper San Juan Health Service District concerning the creation, operation, maintenance and funding of the Archuleta County Combined Dispatch (the “2008 IGA”); and

WHEREAS, under the 2008 IGA, the parties make annual contributions to the County to underwrite operations of the Archuleta County Combined Dispatch which funds are maintained by the County in the Archuleta County Combined Dispatch Fund; and

WHEREAS, in 2011 the parties entered into an agreement with Wells Fargo Bank, N.A. to fund the purchase of new equipment for the Archuleta County Combined Dispatch that was to be repaid by the County through the Archuleta County Combined Dispatch Fund (the “WFB Agreement”); and



WHEREAS, the parties desire to refinance the outstanding balance of the WSB Agreement with the Bank of the San Juans, a division of Glacier Bank, to be paid by the County from the Archuleta County Combined Dispatch Fund with the dispatch equipment serving as collateral (the "BSJ Agreement"); and

WHEREAS, the Town's participation in the BSJ Agreement is limited and any obligations thereunder arise to the extent that such payments cannot be satisfied by the monies available in the Archuleta County Combined Dispatch Fund and so long as Town Council has made sufficient annual appropriations therefor.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

**Section 1. Findings.** The Council hereby finds and determines pursuant to the Town's home rule powers and all applicable laws of the State of Colorado, that the BSJ Agreement is necessary, convenient, and in furtherance of the governmental purposes of the Town and in the best interests of the Town and its inhabitants.

**Section 2. Approval and Execution of Documents; Authorized Officers; Variations in Documents.** The BSJ Agreement, in substantially the form filed in the office of the Town Clerk prior to the final adoption of the Ordinance and as attached hereto as Exhibit A, are in all respects approved, authorized and confirmed as may be modified by the Town Attorney, Town Manager and Mayor. The amount of the loan shall not exceed \$357,000 with the payments being made by Archuleta County from the Archuleta County Combined Dispatch Fund in accordance with the County's obligations under the 2008 IGA. The Mayor is authorized to sign such documents necessary to complete the BSJ Agreement and to take such other actions as necessary to implement this Ordinance.

**Section 3. No General Obligation or Other Indebtedness.** The obligation of the Town to make any payments under the BSJ Agreement is subject to annual appropriation by the Council and constitutes an undertaking of the Town to make current expenditures. No provision of this Ordinance or the BSJ Agreement shall be construed, individually or collectively with other provisions, as constituting or giving rise to a general obligation or other indebtedness or multiple fiscal year financial obligation of the Town within the meaning of any home rule, constitutional or statutory debt limitation nor a mandatory charge or requirement against the Town in any ensuing fiscal year beyond the current year.

**Section 4. Qualified Tax-Exempt Obligation.** The Town Council hereby designates the BSJ Agreement as a "qualified tax-exempt obligation" for purposes of Section 265(b) of the Internal Revenue Code of 1986 as amended.



**Section 5. Public Inspection.** The full text of this Ordinance, with any amendments is available for public inspection at the office of the Town Clerk.

**Section 6. Public Hearing.** A public hearing on this Ordinance shall be held on 20<sup>th</sup> day of March, at 12:00 p.m. at the Town Hall.

**Section 7. Severability.** If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

**Section 8. Effective date.** This Ordinance shall become effective and be in force immediately upon final passage at second reading.



INTRODUCED, READ, AND ORDERED PUBLISHED BY TITLE ONLY PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS SPECIAL MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 4th DAY OF MARCH, 2014.

TOWN OF PAGOSA SPRINGS,  
COLORADO

By: Ross Aragón  
Ross Aragón, Mayor

Attest:



April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED BY TITLE ONLY PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 20th DAY OF MARCH, 2014.

TOWN OF PAGOSA SPRINGS,  
COLORADO

By: Ross Aragón  
Ross Aragón, Mayor

Attest:



April Hessman, Town Clerk



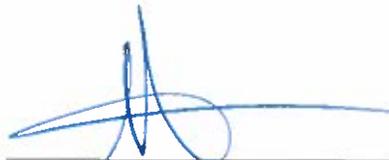
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5 of 6 ODC R\$36.00 D\$0.00

June Madrid  
Archuleta County

**CERTIFICATE OF PUBLICATION**

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 806 (Series 2014) was approved by the Town Council of the Town of Pagosa Springs on first reading at its special meeting held on the 4th day of March, 2014, and was published by title only, along with a statement identifying any fines or penalties for violation of the Ordinance, and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on March 5, 2014, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 1 day of April, 2014.

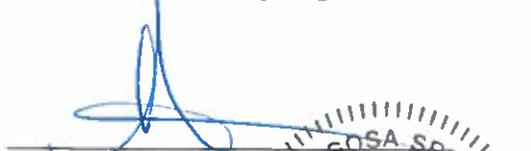
  
\_\_\_\_\_  
April Hessman, Town Clerk



(S E A L)

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 806 (Series 2014) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the 20th day of March, 2014, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on March 20, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 1 day of April, 2014.

  
\_\_\_\_\_  
April Hessman, Town Clerk



(S E A L)



21401638 4/1/2014 1:00 PM June Madrid  
6 of 6 ODC RS36.00 DS0.00 Archuleta County

**EXHIBIT A**

[Bank of the San Juans, a Division of Glacier Bank, documents for Loan No. 213322]

Rtn:

**Town of Pagosa Springs  
P.O. Box 1859  
Pagosa Springs, CO 81147**