

ORDINANCE NO. 1551

AN ORDINANCE TO CONTRACT AN INDEBTEDNESS ON BEHALF OF THE CITY OF GRAND JUNCTION, COLORADO, AND UPON THE CREDIT THEREOF BY ISSUING GENERAL OBLIGATION BONDS OF SAID CITY IN THE PRINCIPAL AMOUNT OF \$600,000 FOR THE PURPOSE OF PAYING, IN WHOLE OR IN PART, THE COST OF ACQUIRING, CONSTRUCTING AND EQUIPPING A MUNICIPAL COMMUNITY CENTER AND SITE THEREFOR, TOGETHER WITH ALL NECESSARY INCIDENTALS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY SAID BONDS AND THE INTEREST THEREON; AND PROVIDING OTHER MATTERS RELATING THERETO.

WHEREAS, at a regular election of the qualified, registered electors of the City of Grand Junction, Colorado, duly called and held on Tuesday, the 3rd day of April, 1973, in accordance with law and pursuant to due notice, there was submitted to said electors the following question:

"Shall the City of Grand Junction, Colorado, be authorized to issue its interest bearing General Obligation Bonds in an aggregate principal amount not to exceed \$600,000 for the purpose of defraying, in whole or in part, the cost of acquiring, constructing and equipping a Municipal Community Center and site therefor to provide facilities in the City for meetings, and artistic, cultural and educational uses, such Bonds to bear interest at a maximum net effective interest rate not exceeding 8% per annum, and to mature serially during a period of not more than 15 years from the date of the Bonds, said Bonds to be sold and issued in such a manner, upon such terms and conditions, and with such other detail as the Grand Junction City Council may determine?"

and

WHEREAS, more than a majority of such qualified, registered electors voting on said question voted in favor of creating such debt and issuing said Bonds; and

WHEREAS, the City Council of the City of Grand Junction has determined, and does hereby determine, to issue at this time the general obligation bonds for municipal community center facilities for the City of Grand Junction, Colorado, authorized at said regular election held on the 3rd day of April, 1973, in a total principal amount of \$600,000, as hereinafter set forth in this Ordinance; and

WHEREAS, the City Council of the City of Grand Junction, Colorado, has determined, and does hereby determine, that it is necessary and for the best interest of the City of Grand Junction and the inhabitants thereof that said Bonds for municipal community center facilities in the total principal amount of \$600,000 be now issued in accordance with the provisions of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

GRAND JUNCTION, THAT:

1. For the purpose of providing funds to defray in whole or in part the cost of acquiring, constructing and equipping a municipal community center and site therefor together with all necessary incidental and appurtenant facilities, structures and equipment, to provide facilities in the City for meetings and artistic, cultural, and educational uses, and including costs incidental to the authorization and issuance of said Bonds and the construction of such facilities, the City of Grand Junction, Colorado, shall issue on behalf of said City and upon the credit thereof, its negotiable coupon General Obligation Municipal Community Center Bonds, Series March 1, 1975 (herein referred to as the "Bonds"), in the aggregate principal amount of \$600,000, dated March 1, 1975, consisting of 120 bonds in the denomination of \$5,000 each, numbered 1 to 120, inclusive, payable in lawful money of the United States of America. Said Bonds shall bear interest as evidenced by one set of bearer interest coupons, and for certain Bonds two sets of bearer interest coupons with one of said sets designated "A" and the other supplemental set designated "B", all attached to said Bonds, as herein set forth.

Bonds numbered 1 to 80, inclusive, will bear only one set of interest coupons. Bonds numbered 1 to 69, inclusive, shall bear interest thereon from March 1, 1975, to the payment of their principal sum at the rate of seven per centum (7%) per annum. Bonds numbered 70 to 80, inclusive, shall bear interest thereon from March 1, 1975, to the payment of their principal sum at the rate of five and seventy-five hundredths per centum (5.75%) per annum. Said interest shall be payable March 1, 1976, and semiannually thereafter on the 1st day of September and the 1st day of March of each year.

Bonds numbered 81 to 120, inclusive, will bear two sets of interest coupons, with one of said sets designated "A" and the other supplemental set designated "B". The "A" coupon interest on Bonds numbered 81 to 120, inclusive, shall be payable at the rate of five and seventy-five hundredths per centum (5.75%) per annum from March 1, 1975, to the payment of the principal of said Bonds, with said interest payable March 1, 1976, and semiannually thereafter on the 1st day of September and the 1st day of March of each year. The "B" coupon interest on Bonds numbered 81 to 120, inclusive, shall be payable at the rate of one and twenty-five hundredths per centum (1.25%) per annum for the period from March 1, 1975, to March 1, 1980, payable March 1, 1976, and semiannually thereafter on the 1st day of September and the 1st day of March of each year.

The subject Bonds shall mature serially in regular numerical order on March 1 of each year and in the principal amounts stated below and shall bear interest as follows:

<u>Bonds</u> <u>Numbered</u> <u>(both</u> <u>inclusive)</u> A <u>mount</u> Maturi <u>ty</u> Interest <u>Rate</u>				
"A""B"*				
1 - 7\$35,000197 77.00				
8 - 35,00019787 .00				
15 - 2240,000197 97.00				
23 - 3040,000198 07.00				
31 - 3945,000198 17.00				
40 - 4845,000198 27.00				

49 - 5850,000198 37.00				
59 - 6955,000198 47.00				
70 - 8055,000198 55.75				
81 - 9260,000198 65.751.25				
93 - 10565,00019 875.751.25				
106 - 12075,00019 885.751.25				

\*Bonds numbered 81 to 120, inclusive, bear "B" coupon interest at the rate of 1.25% from March 1, 1975, to March 1, 1980.

Bonds of this issue maturing on or before March 1, 1985, are not redeemable prior to their respective maturity dates. Bonds of this issue maturing in the years 1986 and thereafter are redeemable at the option of the City on July 1, 1985, and on interest payment dates thereafter, an inverse numerical order, upon payment of par and accrued interest only.

2. The principal of and interest on all said General Obligation Bonds, Series March 1, 1975, shall be payable in lawful money of

the United States of America at The First National Bank in Grand Junction, Grand Junction, Colorado, which is hereby designated the Paying Agent for this bonds issue.

The net effective interest rate on Bonds of this issue is 6.50678%.

Said Bonds shall be general obligations of the City, and shall be payable from other legally available funds.

3. Said Bonds shall be executed in the name and on behalf of said City with the facsimile signature of the President of the Council, sealed with a facsimile of the seal of the City, attested by the manual signature of the City Clerk, countersigned with the facsimile signature of the Finance Director and ex officio City Treasurer, and the interest coupons attached thereto shall bear the facsimile signatures of said officers and shall be numbered consecutively from one upwards for each Bond as appropriate. When issued as aforesaid as part of said Bonds, said coupons shall be the lawful binding promises and obligations of the City according to their import securing the payment of the interest as it becomes due. Should any officer whose manual or facsimile signature appears on said Bonds or the interest coupons attached thereto cease to be such officer before delivery of the Bonds to the purchaser thereof, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes.

4. Said Bonds and the interest coupons attached thereto shall be in substantially the following form:

[Form of Bond]

UNITED STATES OF AMERICA

STATE OF COLORADO      COUNTY OF MESA

CITY OF GRAND JUNCTION

GENERAL OBLIGATION MUNICIPAL COMMUNITY CENTER BOND

SERIES MARCH 1, 1975

No. \_\_\_\_\_ \$5,000

The City of Grand Junction, in the County of Mesa and the State of Colorado, for value received, hereby acknowledges itself indebted and promises to pay to the bearer hereof the principal sum of

FIVE THOUSAND DOLLARS

in lawful money of the United States of America, on the 1st day of March, 19\_\_\_\_\_, with interest thereon from the date hereof to the payment of said principal sum as evidenced by \*(one set of interest coupons hereto attached at the rate of \*\*seven per centum (7%) per annum, payable March 1, 1976, and semiannually thereafter on the 1st day of September and the 1st day of March of each year) \*\*\*[interest coupons designated "A" hereto attached, at the rate

of five and seventy-five hundredths per centum (5.75%) per annum, payable March 1, 1976, and semiannually thereafter on the 1st day of September and the 1st day of March of each year, and additional interest as evidenced by supplemental interest coupons designated "B" hereto attached, at the rate of one and twenty-five hundredths per centum (1.25%) per annum for the period from March 1, 1975, to March 1, 1980, said "B" coupon interest payable March 1, 1976, and semiannually thereafter on the 1st day of September and the 1st day of March of each year]. Both principal of and interest on this Bond are payable at The First National Bank in Grand Junction, Grand Junction, Colorado, upon presentation and surrender of said coupons and this Bond as they severally become due.

Bonds of this issue maturing on or before March 1, 1985, are not redeemable prior to their respective maturity dates. Bonds of this issue maturing in the years 1986 and thereafter are redeemable at the option of the City on July 1, 1985, and on interest payment dates thereafter, in inverse numerical order, upon payment of par and accrued interest only.

This Bond is one of a series of One Hundred Twenty bonds like tenor, amount and date, except as to number, interest rate, prior redemption option, and maturity, authorized and issued by the City Council of the City of Grand Junction, Colorado, on behalf of said City and upon the credit thereof for the purpose of providing funds to defray in whole or in part the cost of acquiring, constructing and equipping a municipal community center facility and site therefor together with all necessary incidental and appurtenant facilities, structures and equipment, to provide facilities in the City for meetings and artistic, cultural and educational purposes by virtue of and in full conformity with the Constitution of the State of Colorado, the Charter of the City of Grand Junction, part 1 of article 12 of title 31, Colorado Revised Statutes 1973, and all other laws of the State of Colorado thereunto enabling, and pursuant to an Ordinance of said City duly adopted, published and made a law of said City prior to the issuance of this Bond; and it is hereby recited, certified and warranted that all the requirements of law have been fully complied with by the proper officers of the City of Grand Junction in issuing this Bond.

It is further hereby recited, certified and warranted that the total indebtedness of said City, including that of this Bond, does not exceed any constitutional or statutory limitation of the State of Colorado and does not exceed any limitation of the City of Grand Junction Charter; that at a special election lawfully held in the City on the 3rd day of April, 1973, the issuance of this Bond was duly authorized by the qualified, registered electors of the City voting at said election; and that provision has been made for the levy and collection of an annual tax on all the taxable property within the City sufficient to pay the interest on and the principal of this Bond as the same respectively become due.

The full faith and credit of the City of Grand Junction, in the

County of Mesa and State of Colorado, is hereby pledged for the punctual payment of the principal of and the interest on this Bond.

IN TESTIMONY WHEREOF, the City Council of the City of Grand Junction, Colorado, has caused this Bond to be executed in the name and on behalf of said City with the facsimile signature of the President of the Council, to be sealed with a facsimile of the seal of said City, attested by the manual signature of the City Clerk thereof, and countersigned with the facsimile signature of the Finance Director and ex officio City Treasurer thereof, and has caused the interest coupons attached hereto to be executed with the facsimile signatures of said officers, all as of the 1st day of March, 1975.

CITY OF GRAND JUNCTION, COLORADO

(FACSIMILE)

(SEAL)

By (Facsimile Signature)

\_\_\_\_\_  
President of the Council

Countersigned:

(Manual Signature)

\_\_\_\_\_  
City Clerk

(Facsimile Signature)

\_\_\_\_\_  
Finance Director and ex officio City Treasurer

[End of Form of Bond]

\* Bonds numbered 1 to 80, inclusive, will bear only one set of interest coupons. Thus, insert the information contained within the parentheses in said Bonds numbered 1 to 80 only.

\*\* Bonds numbered 70 to 80, inclusive, bear interest at the rate of five and seventy-five hundredths per centum (5.75%) per annum.

\*\*\* Bonds numbered 81 to 120, inclusive, will bear both "A" and "B" interest coupons. Thus, insert the information contained within the brackets in said Bonds numbered 81 to 120 only.

[Interest Coupon Form]

No. \_\_\_\_\_ \$ \_\_\_\_\_

On the 1st day of March/September, 19\_\_\_\_\_, unless the Bond to which this coupon is attached, if redeemable, has been called for prior redemption, the City of Grand Junction, in the County of

Mesa and State of Colorado, will pay to bearer the amount shown hereon in lawful money of the United States of America, at The First National Bank in Grand Junction, Grand Junction, Colorado, being interest then due on its City of Grand Junction General Obligation Municipal Community Center Bond, Series March 1, 1975, dated March 1, 1975, bearing

No. \_\_\_\_\_

CITY OF GRAND JUNCTION, COLORADO

By (Facsimile Signature)

\_\_\_\_\_  
President of the Council

Attest:       Countersigned:

(Facsimile Signature)

\_\_\_\_\_  
City Clerk

(Facsimile Signature)

\_\_\_\_\_  
Finance Director and ex officio City Treasurer

[End of Interest Coupon Form]

5. Said Bonds, when executed as provided by law, shall be delivered by any one of the officers of the City to the purchaser thereof, Boettcher and Company, of Denver, Colorado, upon payment to the

City in accordance with the contract of purchase for the Bonds between the City and Boettcher and Company. The proceeds derived from said Bond sale shall be used exclusively for the purposes stated herein, provided, however, that any portion of the Bonds proceeds may be temporarily invested pending such use in securities or obligations which are lawful investments for the City of Grand Junction, with such temporary investment to be made consistent with the covenant hereinafter provided concerning arbitrage bonds. Neither the purchaser of said Bonds nor the holder of any of them shall be in any way responsible for the application of the proceeds of said Bonds by the City or any of its officers.

6. If required, the interest and principal to become due on said Bonds in 1976 shall be advanced from any revenues or funds of the City lawfully available therefor. For the purpose of reimbursing any such advance and also for the purpose of paying the interest on and principal of said Bonds as the same become due and payable respectively, the City Council of the City of Grand Junction shall annually fix and certify a rate of levy for ad valorem taxes to the Board of County Commissioners of Mesa County, Colorado, which taxes, in addition to all other taxes, when levied on all of the taxable property in the City, in each of the years 1975 to 1987,



inclusive, will raise ad valorem tax revenues sufficient to make such reimbursement and to promptly meet and pay such Bond principal and interest payments as the same become due.

Said taxes when collected shall applied solely for the payment of the interest and principal of said Bonds, respectively, until the Bonds, both principal and interest, shall be fully paid, satisfied and discharged; provided, however, that nothing herein contained shall be construed as to prevent the City from committing and applying and any other funds or revenues that may now or hereafter be in the treasury of the City and legally available for the purpose of payment of the interest on or principal of said Bonds, and upon the application of any other such funds or revenues as aforesaid, the levy or levies for ad valorem taxes herein provided may thereupon be diminished to the extent the requirements for such Bond and interest payments for the particular year are thereby diminished.

7. The sums hereinbefore provided to meet the interest on said Bonds and to discharge the principal thereof, when due, are hereby applied for that purpose, and said amounts for each year shall be included in the annual budget and the appropriation ordinance or measures to be adopted and passes by the City Council of the City in each year respectively while any of the Bonds herein authorized, either as to principal or interest, are outstanding and unpaid. No provisions of any constitution, statute, charter, ordinance, resolution, or other order or measure enacted after the issuance of the Bonds herein authorized shall in any manner be construed as limiting or impairing the obligation of the City to levy as valorem taxes, without limitation of rate or amount, for the payment of the principal of and interest on the Bonds herein authorized.

It shall be the duty of the City Council annually, at the time and in the manner provided by law for levying other taxes, if such action shall be necessary to effectuate the provisions of this Ordinance, to ratify and carry out the provisions hereof with reference to the levy and collection of the ad valorem taxes herein specified, and said Council shall require the officers of and for the said City to levy, extend and collect said taxes in the manner provided by law for the purpose of providing funds for the payment of the principal of the Bonds authorized herein and the interest accruing thereon promptly as the same respectively become due. Said taxes, when collected, shall be kept for and applied only to the payment of the interest and principal of said Bonds as hereinbefore specified.

8. The City covenants with the purchaser of the Bonds that it will make no use of the proceeds of such Bonds at any time during the term thereof which, if such use had been reasonably expected on the date the Bonds are issued, would have caused such Bonds to be arbitrage bonds within the meaning of Section 103(d) of the Internal Revenue Code of 1954, as amended, unless, under any valid provisions of law hereafter enacted, the interest paid on the

Bonds (a) shall be excludable from the gross income of a recipient thereof for federal income tax purposes without regard to whether or not such Bonds are arbitrage bonds, or (b) shall be exempt from all income taxation.

9. All actions heretofore taken by the City of Grand Junction and by the officers of the City (not inconsistent herewith) directed toward the authorization of bonds for the purpose of providing funds to defray in whole or in part the cost of acquiring, constructing and equipping a municipal community center facility and site therefor, together with all necessary incidentals, be and the same are, hereby ratified, approved and confirmed, including, without limiting the generality of the foregoing, the acceptance of the proposal for the purchase of the Bonds authorized herein submitted by Boettcher and Company, Denver, Colorado.

10. Pursuant to the Uniform Facsimile Signature of Public Officials Act, Article 55 of title 11, Colorado Revised Statutes 1973, the President of the City Council, the City Clerk and the Finance Director and ex officio City Treasurer shall forthwith, but in any event prior to the time the Bonds are delivered to the Bonds purchaser, file with the Colorado Secretary of State their manual signatures certified by them under oath, using a suitable Facsimile Signature Certificate for said purpose.

11. The officers of the City 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, including without limiting the generality of the foregoing:

a. The printing of the Bonds herein authorized; and

b. The execution of such certificates as may be reasonably required by the purchaser of the Bonds relating to the signing of the Bonds, the tenure and identity of the City officials, the assessed valuation and indebtedness of the City, receipt of the Bond purchase price, and, if in accordance with the facts, the absence of litigation, pending or threatened, affecting the validity of the Bonds; and

c. The making of various statements, recitals, certifications and warranties provided in the form of Bond set forth in this Ordinance.

12. There is hereby appropriated and set aside from any available funds or revenues of the City of Grand Junction the amount or amounts necessary to pay all costs and expenses incident to the issuance of said General Obligation Municipal Community Center Bonds, Series March 1, 1975, including, but not being limited to, any publication, legal, engineering and fiscal agent costs and expenses.

13. All ordinances, acts, orders, resolutions or parts thereof,

taken by the City of Grand Junction in conflict with this Ordinance are hereby repealed to the extent of such inconsistency. Said repealer shall not be deemed to revive any ordinance, act, order, resolution or part thereof heretofore repealed.

14. This Ordinance is, and shall constitute, a legislative measure of the City of Grand Junction, and after the Bonds hereby authorized are issued, sold and are outstanding, this Ordinance shall constitute a contract between the City and the holder or holders of said Bonds, and shall be and remain irrevocable until said Bonds and the interest accruing thereon shall have been fully paid, satisfied and discharged.

15. The proper officers of the City of Grand Junction, Colorado, are hereby authorized and directed to pay or cause to be paid the interest on the Bonds herein authorized as the same shall accrue, and the principal of said Bonds at maturity, without further warrant or order.

16. If any paragraph, clause or provision of this Ordinance is judicially adjudged invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining paragraphs, clauses or provisions hereof, the intention being that the various paragraphs, clauses or provisions hereof are severable.

17. This Ordinance, immediately on its final passage, shall be numbered and recorded in the Ordinance records kept for that purpose, authenticated by the signatures of the President of the Council and City Clerk, and shall be published as required by law.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED THIS 5th day of February, 1975.

CITY OF GRAND JUNCTION, COLORADO

By Lawrence L. Kozisek

\_\_\_\_\_  
President, City Council

(SEAL)

ATTEST:

Neva B. Lockhart

\_\_\_\_\_  
City Clerk  
City of Grand Junction, Colorado

INTRODUCED, READ, PASSED FINALLY AND ADOPTED AND ORDERED PUBLISHED THIS 19th day of February, 1975.

CITY OF GRAND JUNCTION, COLORADO

By Lawrence L. Kozisek

President, City Council

(SEAL)

ATTEST:

Marion H. Walthall

Deputy City Clerk  
City of Grand Junction, Colorado

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1551, was introduced, read, and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 5th day of February, 1975, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official of said City this 20th day of February, 1975.

Marion H. Walthall

Marion H. Walthall, Deputy City Clerk

Published February 7, 1975

Final Publication February 21, 1975

Effective March 22, 1975