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## **ORDINANCE NO. 99**

### **AN ORDINANCE ESTABLISHING A TOWN OF HILLROSE, COLORADO, SEWER ENTERPRISE, AND AUTHORIZING THE ENTERPRISE TO HAVE AND EXERCISE CERTAIN POWERS IN FURTHERANCE OF ITS PURPOSES**

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF  
HILLROSE, COLORADO:

WHEREAS, the Town of Hillrose, Colorado (the Town), is authorized by Part 1 of Article 45.1 of Title 37, Colorado Revised Statutes, as amended (the Act), to establish or continue to maintain water activity enterprises, as defined in the Act, for the purpose of pursuing or continuing water activities, including sewer or wastewater project or facility activities; and

WHEREAS, the Act also provides that sewer or wastewater activity enterprises established or maintained pursuant to the Act are excluded from the provisions of art. X, § 20 of the Colorado Constitution; and

WHEREAS, the Board of Trustees (the Board) desires to adopt this Ordinance to establish the Town's Sewer Enterprise by establishing a sewer or wastewater activity enterprise and authorizing the Sewer Enterprise to have and exercise certain powers in furtherance of its purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HILLROSE, COLORADO, THAT:

Section 1. Establishment of Enterprise. The Town of Hillrose, Colorado, Sewer Enterprise (the Enterprise), is hereby established pursuant to the provisions of the Act as an enterprise of the Town within the meaning of art. X, § 20 of the Colorado Constitution.

Section 2. Ownership of Enterprise. The Enterprise shall be wholly owned by the Town and shall not be combined with any sewer or wastewater activity enterprise owned by another district.

Section 3. Sewer or Wastewater Activities. The Enterprise may conduct one or more sewer or wastewater activities as may be determined by the governing body of the Enterprise, including, but not limited to, the collection, treatment, and provision of wholesale or retail sewer, wastewater, or stormwater services (Sewer Activities).

Section 4. Governing Body. The Board shall serve as the governing body of the Enterprise, and the officers of the Board and of the Town shall serve as the officers of the governing body of the Enterprise. The Mayor of the Town shall serve as Chairman of the Enterprise; the Town Clerk shall serve as Secretary of the Enterprise; and the Town Attorney shall serve as Attorney for the Enterprise.

Section 5. Powers of Enterprise. The Enterprise shall have and may exercise the following powers in furtherance of its purposes: hold meetings concurrently with regular or special meetings of the Board; adopt ordinances and resolutions in the manner in which Town ordinances and resolutions may

be adopted; issue revenue bonds in the manner prescribed by the Act without voter approval in advance; pledge any revenues derived or to be derived from the sewer or wastewater functions, services, benefits, or facilities of the Town or the Enterprise or any other available funds of the Enterprise to the payment of such revenue bonds and to pay such revenue bonds therefrom; enter into contracts relating to the sewer or wastewater system of the Town (the System) in the manner in which Town contracts may be entered into; make representations, warranties, and covenants on behalf of the Town and bind the Town to perform any obligation relating to the System other than any multiple-fiscal year direct or indirect debt or other financial obligation of the Town without adequate present cash reserves pledged irrevocably and held for payments in all future years; and exercise the Town's legal authority relating to Sewer Activities. Notwithstanding the foregoing, the Enterprise may not levy a tax which is subject to art. X, § 20(4) of the Colorado Constitution.

Section 6. Powers Retained in Town. The Town shall continue to own the assets of the System; acquire and convey properties constituting part of the System; manage, operate, and maintain the System; employ and discharge the officers, managers, and employees of the System; keep books and records relating to the System; invest and manage funds; budget and appropriate revenues and expenditures of the System; award and execute contracts and make expenditures relating to the System; fix, adjust, and collect water rates, fees, tolls, charges, and tap fees; and prescribe rules and regulations relating to the System. The Town may also borrow money, issue bonds, or enter into other financial obligations relating to the System as provided in the Colorado Constitution and statutes.

Section 7. Prior Acts. All action not inconsistent with the provisions of this Ordinance heretofore taken by the Town or its officers and otherwise directed toward the establishment of the Enterprise and the authorization of the Enterprise to have and exercise certain powers in furtherance of its purposes is hereby ratified, approved, and confirmed.

Section 8. 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, bylaw, order, or other instrument, or part thereof, heretofore repealed.


Section 9. 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 of this Ordinance.

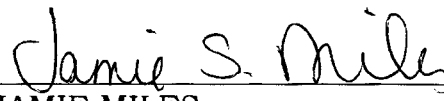
Section 10. Emergency. In an effort to avoid costs associated with the delay of issuing bonds in a timely manner the Enterprise shall be established immediately. Therefore, a special emergency exists which requires the immediate passage of this Ordinance as an emergency measure, and this Ordinance is necessary for the immediate preservation of the public peace, health, or safety.

Section 11. Effective Date. Notwithstanding any provision of any ordinance of the Town or any statute of the State of Colorado to the contrary, this Ordinance shall become effective immediately upon adoption.

INTRODUCED, READ, ADOPTED, APPROVED, PASSED, AND ORDERED  
PUBLISHED BY TITLE ONLY by the Board of Trustees of the Town of Hillrose,  
Colorado, on April 20, 2007.



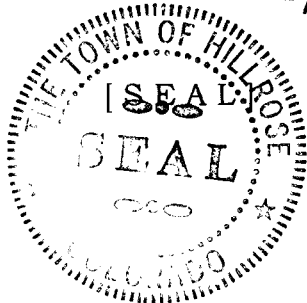
  
LYNN ANN GOLEMBOSKI  
Town Clerk

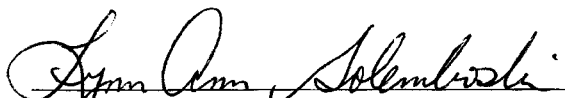
  
JAMIE MILES  
Mayor

#### CERTIFICATION

I, Lynn Ann Golemboski, Town Clerk of the Town of Hillrose, Colorado,  
hereby certify and attest that the foregoing Ordinance No. 99 was  
introduced, read, adopted, and ordered published by title only at a regular  
meeting of the Board of Trustees of the Town of Hillrose, Colorado on the 20  
day of April, 2007. This Ordinance was published in The Brush  
News-Tribune on April 25, 2007.

DATED: April 25, 2007



  
LYNN ANN GOLEMBOSKI  
Town Clerk

INTRODUCED, READ, ADOPTED, APPROVED, PASSED, AND ORDERED  
PUBLISHED BY TITLE ONLY by the Board of Trustees of the Town of Hillrose,  
Colorado, on \_\_\_\_\_, 2007.

\_\_\_\_\_  
JAMIE MILES  
Mayor

[ S E A L ]

\_\_\_\_\_  
LYNN ANN GOLEMBOSKI  
Town Clerk

CERTIFICATION

I, Lynn Ann Golemboski, Town Clerk of the Town of Hillrose, Colorado,  
hereby certify and attest that the foregoing Ordinance No. \_\_\_\_ was  
introduced, read, adopted, and ordered published by title only at a regular  
meeting of the Board of Trustees of the Town of Hillrose, Colorado on the \_\_\_\_  
day of \_\_\_\_\_, 2007. This Ordinance was published in The Brush  
News-Tribune on \_\_\_\_\_, 2007.

DATED: \_\_\_\_\_, 2007

[ S E A L ]

\_\_\_\_\_  
LYNN ANN GOLEMBOSKI  
Town Clerk