

ORDINANCE NO. 440

ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING JANUARY 1, 1978, AND ENDING DECEMBER 31, 1978.

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

Section 1. That out of the monies and revenue to be derived from the general taxes levied by the Board of Trustees of the Town of Berthoud on all taxable property within the corporate limits of the Town and from revenue to be derived from gasoline taxes, automobile taxes, permit fees, water rents, sewer rents, franchise taxes, sale of cemetery lots, cigarette taxes, sales taxes, fines, road and bridge funds, recreation fees, Revenue Sharing funds, and from monies derived from general and miscellaneous revenues during the fiscal year, and from the balance of cash on hand in the general fund of the Town, all of which are estimated to be \$632,116, there is hereby appropriated for the fiscal year beginning January 1, 1978, the following amounts for the following purposes, to-wit:

FIRST: There is hereby appropriated the amount of \$120,250 to the Berthoud Municipal Water Department for the following purposes: repairs, operation, maintenance, extensions, payment of salaries, purchase of water, payment of expenses for production and transmission, expenses of service connections, and other miscellaneous expenses.

SECOND: There is hereby appropriated the amount of \$83,217 for the Berthoud Sanitation Department for the following purposes: operation, maintenance, salaries, repairs and other miscellaneous expenses.

THIRD: There is hereby appropriated \$46,752 to the Berthoud Municipal Street Department for the following purposes: maintenance of streets, alleys, ditches and sewers, lighting of streets, making of improvements, payment of salaries, repairing extensions, paving and patching, and general upkeep of streets, alleys and other miscellaneous expenses.

FOURTH: There is hereby appropriated the amount of \$76,190 to the Berthoud Police Department for the following purposes: maintenance and operation of the police vehicles, office supply expenses, salaries, training, communications, dog control, public safety and other miscellaneous expenses.

FIFTH: There is hereby appropriated the amount of \$82,437 for administration to include the payment of salaries, office supplies, office utilities, legal expenses, accounting and auditing expenses, publishing of ordinances and other legal notices, employee's insurance, liability and other general insurance, planning commission and other miscellaneous expenses.

SIXTH: There is hereby appropriated the amount of \$34,336 to the Berthoud Parks & Recreation Department for the following purposes: payment of salaries, operation and maintenance of all parks and swimming pool, utilities, chemicals, making improvements and general upkeep of all parks, swimming pool and tennis courts and all expenses of the recreation program.

SEVENTH: There is hereby appropriated the amount of \$10,753 to the Berthoud Cemetery Department for the following purposes: payment of all salaries, operation and maintenance and other miscellaneous expenses.

EIGHTH: There is hereby appropriated the amount of \$6,225 to the Berthoud Judicial Department for the following purposes: payment of salaries, court and judicial supplies.

NINTH: There is hereby appropriated the amount of \$5,615 for the Contingency Fund.

TENTH: There is hereby appropriated the amount of \$7,079 to be transferred from the General Fund to the Park Capital Improvement Fund for improvements.

ELEVENTH: There is hereby appropriated the amount of \$18,988 for the General Obligation Water Bond Fund 70-1 for redemption of bonds and interest.

TWELFTH: There is hereby appropriated the amount of \$11,038 for the General Obligation Recreation Bond Fund for redemption of bonds and interest.

THIRTEENTH: There is hereby appropriated the amount of \$31,383 for the Sewer Revenue Bond Fund for redemption of bonds and interest.

FOURTEENTH: There is hereby appropriated the amount of \$4,000 for the 68-1 Street Improvement District for redemption of bonds and interest.

FIFTEENTH: There is hereby appropriated the amount of \$10,000 for the 69-1 Street Improvement District for redemption of bonds and interest.

SIXTEENTH: There is hereby appropriated the amount of \$20,000 for the 73-1 Street Improvement District for redemption of bonds and interest.

SEVENTEENTH: There is hereby appropriated the amount of \$2,282 for the Berthoud Library Fund for operation and maintenance.

EIGHTEENTH: There is hereby appropriated the amount of \$3,446 for the Berthoud Conservation Trust Fund to be transferred to the Park Capital Improvement Fund for improvements.

NINETEENTH: There is hereby appropriated the amount of \$ 23,730 for the Revenue Sharing Trust Fund for purchase of a pickup, police car and transfer to General Fund for multi purpose government.

TWENTIETH: There is hereby appropriated the amount of \$2,320 for the Garden Fair Escrow Fund for the purpose of paving in the Garden Fair Addition.

TWENTY-FIRST: There is hereby appropriated the amount of \$23,550 for the Park Capital Improvement Fund for park improvements and storage.

TWENTY-SECOND: There is hereby appropriated the amount of \$8,525 for the General Obligation Water Bond Fund 77-1 for the redemption of bonds and interest.

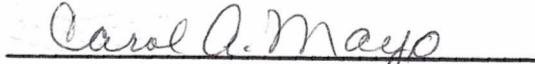
This ordinance was introduced, read, passed on the first reading and ordered published by the Board of Trustees of the Town of Berthoud at its meeting held on this 22nd day of November 1977.

TOWN OF BERTHOUD:



Richard D. Strachan  
Mayor

ATTEST:



Carol A. Mayo  
Town Clerk

Published: Berthoud Bulletin  
December 1, 1977

C E R T I F I E D - R E C O R D  
O F  
PROCEEDINGS OF  
THE BOARD OF TRUSTEES OF THE  
TOWN OF BERTHOUD, COLORADO  
TAKEN PRELIMINARY TO THE ISSUANCE  
BY SAID TOWN OF ITS  
GENERAL OBLIGATION WATER BONDS  
IN THE PRINCIPAL AMOUNT OF \$155,000  
DATED NOVEMBER 1, 1977

STATE OF COLORADO      )  
                            )  
COUNTY OF LARIMER      ) ss.  
                            )  
TOWN OF BERTHOUD      )

The Board of Trustees of the Town of Berthoud, Colorado, met in regular session in full conformity with law and the rules and ordinances of the Town, at the Town Hall, in Berthoud, Colorado, on Tuesday, the 25th day of October, 1977, at 7:30 o'clock P.M.

Upon roll call the following were present constituting a quorum:

Mayor:	Richard D. Strachan
Mayor Pro-Tem:	Jacob Bauer
Trustees:	Roger Banzhaf
	Frances Nielson (Town Treasurer)
	Al Schmidt
	Harold Wright
	(Vacancy) Louise Bein

Also present:

Town Clerk and Treasurer:	Carol A. Mayo
Town Manager:	O. D. Mayo
Town Attorney:	<u>R. B. Fickel II</u>

Absent: \_\_\_\_\_

Thereupon Trustee Frances Nielson introduced and there was read in full the following Ordinance:

ORDINANCE NO. 440

AN ORDINANCE TO CONTRACT AN INDEBTEDNESS ON BEHALF OF THE TOWN OF BERTHOUD, COLORADO, AND UPON THE CREDIT THEREOF BY ISSUING GENERAL OBLIGATION BONDS OF THE TOWN IN THE PRINCIPAL AMOUNT OF \$155,000 FOR THE PURPOSE OF SUPPLYING THE TOWN WITH WATER BY EXTENDING AND IMPROVING THE EXISTING WATERWORKS SYSTEM OF THE TOWN; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME; AND DECLARING AN EMERGENCY.

WHEREAS, a majority of the voters of the Town of Berthoud, Colorado, who were taxpayers under the law, voting on the question at a municipal election heretofore held in said Town, by their vote approved and authorized the Board of Trustees of the Town to erect a system of waterworks for fire and domestic purposes, the same to be owned and operated by the Town; and

WHEREAS, the Town did erect and ever since said time has owned, operated and maintained a system of waterworks for said purpose; and

WHEREAS, the Board of Trustees has determined to extend and improve the waterworks system in order to supply the Town and the inhabitants thereof with a proper and adequate supply of water; and

WHEREAS, there are not sufficient funds in the treasury of the Town to pay the costs and expenses of supplying the Town with water and the Board of Trustees deems it advisable and necessary to authorize the issuance of general obligation negotiable coupon bonds of the Town in the amount of \$155,000 for that purpose;

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER COUNTY, COLORADO:

Section 1. BOND DETAILS. That for the purpose of paying the costs and expenses of supplying the Town of Berthoud with water by extending and improving the existing waterworks system of the Town, the Town shall issue its general obligation negotiable coupon bonds in the principal amount of \$155,000, each to be designated "General Obligation Water Bond", dated November 1, 1977, consisting of 31 bonds in the denomination of \$5,000 each, numbered 1 to 31, inclusive, payable in lawful money of the United States of America, to bear interest from and after date at the rate of 5.50% per annum, payable on May 1, 1978, and semi-annually thereafter on the 1st day of May and the 1st day of November, each year, as evidenced by interest coupons attached to said bonds, and maturing serially on November 1, as follows:

<u>Amount</u>	<u>Maturity</u>
\$25,000	1983 to 1987, incl.
30,000	1988

Bonds of this issue shall not be redeemable in advance of their respective maturities.

The principal of and interest on said bonds shall be payable at The Berthoud National Bank, in Berthoud, Colorado.

The net effective interest rate of this issue of bonds is 5.67 % per annum.

Section 2. FORM AND EXECUTION OF BONDS AND INTEREST COUPONS. The Bonds shall be signed by the facsimile signature of the Mayor, sealed with a facsimile of the seal of the Town, countersigned by the facsimile signature of the Town Treasurer and attested by the manual signature of the Town Clerk, and shall be recorded in a book kept by the Town Treasurer for that purpose. All interest coupons shall bear the facsimile signature of the Treasurer of the Town, and when issued as part of said bonds, shall be the lawful promises and obligations of the Town, securing the payment of said 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, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes.

That the 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 LARIMER

TOWN OF BERTHOUD  
GENERAL OBLIGATION WATER BOND

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

\$5,000

The Town of Berthoud, in the County of Larimer and State of Colorado, for value received, acknowledges itself indebted and hereby promises to pay to the bearer hereof the principal sum of

FIVE THOUSAND DOLLARS

on the 1st day of November, 19\_\_\_\_, with interest thereon at the rate of five and fifty hundredths per centum (5.50%) per annum, payable on May 1, 1978, and semi-annually thereafter on the 1st day of May and the 1st day of November, each year, both principal and interest being payable in lawful money of the United States of America, at The Berthoud National Bank, in Berthoud, Colorado, upon presentation and surrender of the annexed coupons and this Bond as they severally become due.

Bonds of this issue shall not be callable for redemption prior to maturity.

This Bond is issued by the Board of Trustees of the Town of Berthoud, Colorado, for the purpose of supplying water to the Town and its inhabitants, by extending and improving the water-works system of the Town, under the authority of and in full conformity with the Constitution of the State of Colorado, the provisions of Title 31, Article 15, Part 3, Colorado Revised Statutes 1973, as amended, and all other laws thereunto enabling, and pursuant to an Ordinance of the Town duly adopted, published and made a law of the Town prior to the issuance of this Bond.

It is hereby certified and recited that all the requirements of law have been fully complied with by the proper officers of the Town in the issuance of this Bond; that the total debt of the Town, including that of this Bond, does not exceed any limit of indebtedness prescribed by the Constitution or Laws of the State of Colorado, and that provision has been made for the levy and collection of annual taxes on all the taxable property in said Town, sufficient to pay the interest on and the principal of this Bond when the same become due.

The full faith and credit of the Town of Berthoud, Colorado, are hereby pledged for the punctual payment of the principal of and the interest on this Bond.

IN TESTIMONY WHEREOF, the Board of Trustees of the Town of Berthoud, Colorado, has caused this Bond to be signed by the facsimile signature of the Mayor of the Town, sealed with a facsimile of the seal of the Town, countersigned by the facsimile signature of the Town Treasurer and attested by the manual signature of the Town Clerk, and the attached interest coupons to be signed with the facsimile signature of the Town Treasurer, as of the 1st day of November, 1977.

TOWN OF BERTHOUD, COLORADO

(FACSIMILE  
S E A L )

(Do Not Sign)  
(Facsimile Signature)  
\_\_\_\_\_  
Mayor

ATTEST:

(Do Not Sign)  
(Manual Signature)  
\_\_\_\_\_  
Town Clerk

COUNTERSIGNED:

(Do Not Sign)  
(Facsimile Signature)  
\_\_\_\_\_  
Town Treasurer

(Form of Interest Coupon)

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

\$ \_\_\_\_\_

May,

On the 1st day of November, 19\_\_\_\_, the Town of Berthoud, in the County of Larimer and State of Colorado, will pay to bearer the amount shown hereon in lawful money of the United States of America, at The Berthoud National Bank, in Berthoud, Colorado, being interest then due on its General Obligation Water Bond, dated November 1, 1977, bearing

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

(Do Not Sign)

(Facsimile Signature)

Town Treasurer

Section 3. DISPOSITION OF BOND PROCEEDS. Said bonds, when executed as provided by law, shall be delivered to the purchaser thereof in accordance with its contract of purchase. The proceeds of the bonds herein authorized shall be used only for the purpose of paying the costs and expenses of supplying the Town of Berthoud with water and for no other purpose whatever. Neither the purchaser of the bonds nor the subsequent holder of any of them shall be responsible for the application or disposal by the Town, or any of its officers, of any of the funds derived from the sale thereof.

All or any appropriate portion of the bond proceeds may be temporarily invested or reinvested pending such use in securities or obligations which are lawful investments for such towns in the State of Colorado. It is hereby covenanted and agreed by the Town that the temporary investment or reinvestment of the bond proceeds, or any portion thereof, shall be of such nature and extent, and for such period, that the bonds shall not be or become arbitrage bonds within the meaning of Section 103(c) of the Internal Revenue Code, and pertinent regulations, and such proceeds, if so invested or reinvested, shall be subject to the limitations and restrictions of said Section 103(c), as the same now exists or may later be amended, and shall further be subject to any applicable regulations of the Internal Revenue Service.

Section 4. PAYMENT OF PRINCIPAL AND INTEREST. If necessary, the interest to become due on said bonds on July 1, 1978, shall be advanced from the water fund or other funds of the Town which are lawfully available therefor. For the purpose of reimbursing said fund, and for paying the interest accruing on the bonds promptly as the same become due, and for providing for the ultimate payment and redemption of the bonds, there shall be levied on all the taxable property in the Town, in addition to all other taxes, direct annual taxes in each of the years 1977 to 1987, inclusive, sufficient to make such reimbursement and to pay the principal of and interest on the outstanding bonds as the same become due and payable. Said taxes when collected shall be deposited in a special fund to be known as the "Town of Berthoud Water Bond Fund, 1977", and such Fund shall be applied solely to the purpose of the payment of the interest on and the principal of the bonds and for no other purpose whatever, until the indebtedness so contracted under this Ordinance, both principal and interest, shall have been fully paid, satisfied and discharged. Nothing herein contained shall be so construed as to prevent the Town from applying any other funds or revenues that may be in the Town treasury and available for that purpose, to the payment of the interest or principal, as the same respectively mature, and upon any such payments, the levy or levies herein provided may thereupon be diminished to that extent.

An amount necessary to pay all costs and expenses incidental to the issuance of said bonds and the amounts hereinbefore provided to pay the interest on said bonds and to discharge the principal thereof when due, are hereby appropriated for that purpose, and said amount for each year shall also be included in the annual budget and the appropriation bills to be adopted and passed by the Board of Trustees of the Town in each year, respectively.

It shall be the duty of the Board of Trustees of the Town, annually, at the time and in the manner provided by law for levying other Town 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 levying and collection of taxes; and the Board shall levy, certify and collect said taxes in the manner provided by law for the purpose of creating a fund for the payment of the principal of the bonds and interest thereon, and said taxes, when collected, shall be kept for and applied only to the payment of the interest and principal of the bonds as hereinabove specified.

Section 5. ESTABLISHMENT OF RATES AND CHARGES FOR SERVICES. Notwithstanding the foregoing provisions for tax levies, the Town hereby further covenants and agrees to establish, maintain, collect and enforce a schedule of rates, fees, tolls and charges for connection to and use of the waterworks system of the Town, which schedule shall be sufficient to assure that the revenue thereby produced, together with the proceeds of general ad valorem taxes and any other legally available funds, shall pay all reasonable costs and expenses of operating and maintaining the waterworks system and to pay the interest on and principal of the General Obligation Water Bonds, herein authorized, promptly as the same become due and payable, respectively.

Section 6. REPEALER. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed.

Section 7. ORDINANCE IRREPEALIBILITY. After said bonds are issued, this Ordinance shall be and remain irrepealable until said bonds and the interest thereon shall have been fully paid, satisfied and discharged.

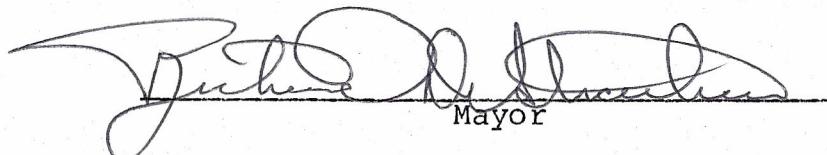
Section 8. SEVERABILITY. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such determination shall not affect, impair or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

Section 9. RECORDING AND AUTHENTICATION. This Ordinance, immediately on its passage shall be recorded in the Town Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Clerk and shall be published as required by law.

Section 10. EMERGENCY PROVISION. By reason of the fact that the Town and its inhabitants must be properly and adequately supplied with water, and that it is necessary to issue and sell bonds of the Town to pay the costs and expenses of extending and improving the water system, which costs and expenses have and will hereafter become due and payable, it is hereby declared that an emergency exists, that this Ordinance is necessary to the immediate preservation of the public peace, health and safety, and that it shall be in full force and effect upon publication as provided by law.

INTRODUCED, ADOPTED AND APPROVED AS AN EMERGENCY ORDINANCE, This 25th day of October, 1977.

( S E A L )



Ruth D. Deacon  
Mayor

ATTEST:

Carol A. Mayo  
\_\_\_\_\_  
Town Clerk

It was then moved by Trustee Roger Banzhaf and seconded by Trustee Frances Nielson that all rules of this Board, which, unless suspended, might prevent the final passage and adoption of this Ordinance as an emergency measure at this meeting, be and the same are hereby suspended.

The question being upon the adoption of said motion and the suspension of the rules, the roll was called with the following result:

Those voting YES:

Trustees:	Jacob Bauer
	Roger Banzhaf
	Frances Nielson
	Al Schmidt
	Harold Wright
	Louise Bein

Those voting NO: None

All members of the Board of Trustees having voted in favor of said motion, the presiding officer declared the motion carried and the rules suspended.

Trustee Roger Banzhaf then moved that the Ordinance be passed and adopted as an emergency ordinance. Trustee Jake Bauer seconded the motion.

The question being upon the passage and adoption of the Ordinance, the roll was called with the following result:

Those voting YES:

Trustees:	Jacob Bauer
	Roger Banzhaf
	Frances Nielson
	Al Schmidt
	Harold Wright
	Louise Bein

Those voting NO: None

The presiding officer thereupon declared that, more than three-fourths of all the Trustees elected having voted in favor thereof, the motion was carried and the Ordinance duly passed and adopted as an emergency ordinance.

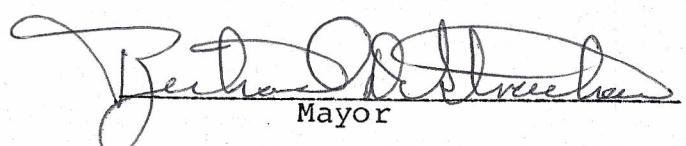
On motion duly adopted, it was ordered that the Ordinance be numbered #440, and after approval by the Mayor, be published in the Berthoud Bulletin, a newspaper of general circulation within the Town of Berthoud.

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

( S E A L )

ATTEST:

Carol A. Mayo  
Town Clerk

  
Berthoud, Colorado  
Mayor

STATE OF COLORADO      )  
COUNTY OF LARIMER      ) ss.  
TOWN OF BERTHOUD      )

I, Carol A. Mayo, Town Clerk of the Town of Berthoud, Larimer County, Colorado, do hereby certify that the foregoing pages numbered 1 to 10, inclusive, constitute a true and correct copy of the record of proceedings of the Board of Trustees of the Town, taken at a regular meeting thereof, held at the Town Hall, in Berthoud, Colorado, the regular meeting place of the Board, on Tuesday, the 25th day of October, 1977, insofar as said proceedings relate to the passage and adoption of an Ordinance therein set forth, concerning the issuance of General Obligation Water Bonds of the Town in the principal amount of \$155,000.

That attached hereto is an Affidavit of Publication of said Ordinance as passed and adopted by the Board of Trustees at said meeting; that the original Ordinance has been duly authenticated by the signatures of the Mayor and myself, as Clerk of the Town, sealed with the corporate seal of the Town, and signed and recorded in the Book of Ordinances of the Town kept for that purpose in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Berthoud, Colorado, this 25<sup>th</sup> day of October, 1977.

( S E A L )

Carol A. Mayo  
Town Clerk

(Attach Affidavit of Publication of Ordinance No. \_\_\_\_\_)

STATE OF COLORADO      )  
                            )  
COUNTY OF LARIMER      ) ss.                    GENERAL INCUMBENCY  
                            )  
TOWN OF BERTHOUD      )                        CERTIFICATE

The undersigned, each for himself or herself and not one for another, being first duly sworn on oath, deposes and says:

1. That they are, respectively, the duly elected or appointed, qualified and acting Mayor, Town Clerk and Town Treasurer of the Town of Berthoud, Colorado.

2. That the Town of Berthoud, in the County of Larimer and State of Colorado, is a municipal corporation of the State, duly organized and existing under and by virtue of the general laws thereof relating to towns, and that the Town was incorporated in the year 1888.

3. That for the period from the 1st day of October, 1977, to and including the date of this Affidavit, the following have been and now are the duly elected or appointed and qualified members of the Board of Trustees and officers of the Town of Berthoud:

Mayor:	Richard D. Strachan
Mayor Pro-Tem:	Jacob Bauer
Trustees:	Roger Banzhaf
	Frances Nelson (Town Treasurer)
	Al Schmidt
	Harold Wright
	<u>Louise Bein</u>
Town Clerk:	Carol A. Mayo
Town Manager:	O. D. Mayo

4. That Facsimile Signature Certificates containing the manual signature of the Mayor and Town Treasurer, and a sample of the official seal of the Town, were filed with the Secretary of State of the State of Colorado, as required by law.

IN WITNESS WHEREOF, We have hereunto set our hands  
and the official seal of the Town of Berthoud, Colorado, this  
23 day of Nov., 1977.

( S E A L )

Bethel D. Shaeffer  
Mayor  
Carol A. Mayo  
Town Clerk  
Frances Nelson  
Town Treasurer

Subscribed and separately sworn to before me this 23  
day of Nov., 1977.

My commission expires 1-25-78

(NOTARY  
SEAL)

Annette Stark  
Notary Public

FACSIMILE SIGNATURE CERTIFICATE

STATE OF COLORADO )  
                         ) ss.  
COUNTY OF LARIMER )

Before me, the undersigned authority, personally appeared, who, being by me first duly sworn on oath, deposes and says:

1. That he (she) is the duly and lawfully elected or appointed, qualified, sworn and acting officer of Town of Berthoud, Larimer County, Colorado, as indicated below:

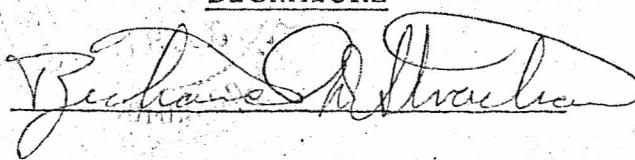
<u>NAME</u>	<u>TITLE</u>
Richard D. Strachan	Mayor

**\*(Fill in name of officer exactly as his signature appears below)**

2. That the signature appearing below is my own manually executed signature in the form and manner used to execute all official documents in my official capacity, hereinabove designated.

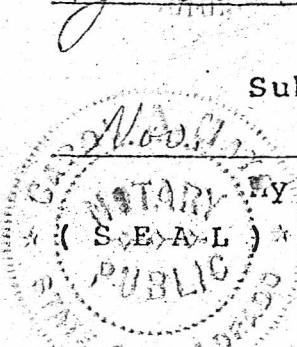
3. That hereto affixed is an impression of the official seal of Town of Berthoud, Larimer County, Colorado, as the same has been authorized and used for official documents.

(S E A L )

<u>SIGNATURE</u>	<u>TITLE</u>
	Mayor

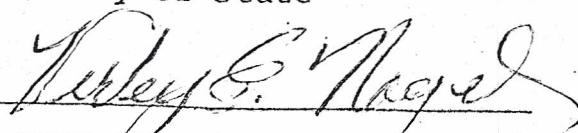
Subscribed and sworn to before me this 23 day of NOVEMBER, 1977.

My commission expires 2-9-80

  
Notary Public

Original filed in the office of the Secretary of State, on the 23RD day of NOVEMBER, 1977.

Mary Estill Buchanan  
Secretary of State

By   
Title ADMIN. CLERK: VERLEY E. NAGEL



FACSIMILE SIGNATURE CERTIFICATE

STATE OF COLORADO )  
                         ) ss.  
COUNTY OF LARIMER )

Before me, the undersigned authority, personally appeared, who, being by me first duly sworn on oath, deposes and says:

1. That he (she) is the duly and lawfully elected or appointed, qualified, sworn and acting officer of Town of Berthoud, Larimer County, Colorado, as indicated below:

<u>NAME</u>	<u>TITLE</u>
Frances Nielson	Town Treasurer

**\*(Fill in name of officer exactly as his signature appears below)**

2. That the signature appearing below is my own manually executed signature in the form and manner used to execute all official documents in my official capacity, hereinabove designated.

3. That hereto affixed is an impression of the official seal of Town of Berthoud, Larimer County, Colorado, as the same has been authorized and used for official documents.

<u>(SEAL)</u>	<u>SIGNATURE</u>	<u>TITLE</u>
	<u>Frances Nielson</u>	Town Treasurer

Subscribed and sworn to before me this 23 day of November, 1977.

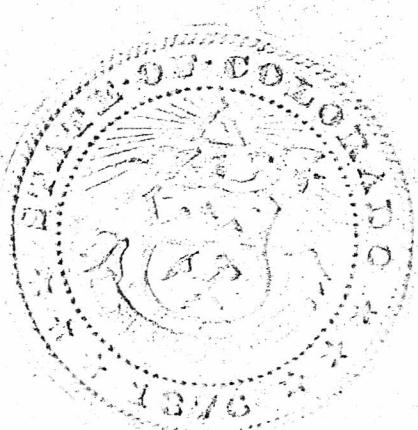
My commission expires 2-9-80

Carol Q. Mayo  
Notary Public

Original filed in the office of the Secretary of State, on the 23RD day of NOVEMBER, 1977.

Mary Estill Buchanan  
Secretary of State

By Verley E. Nagel  
Title ADMIN. CLERK: VERLEY E. NAGEL



(Attach copies of Facsimile Signature Certificates of Mayor and  
Town Treasurer, as filed with the Secretary of State, State of Colorado)

STATE OF COLORADO )  
COUNTY OF LARIMER ) ss.  
TOWN OF BERTHOUD )

NO-LITIGATION CERTIFICATE

The undersigned officers of the Town of Berthoud, Larimer County, Colorado, being at the date of this Certificate about to issue that certain series of negotiable coupon General Obligation Water Bonds, dated November 1, 1977, in the principal amount of \$155,000, for the purpose of supplying the Town and its inhabitants with water, and being about to receive the consideration therefor, hereby certify as follows:

1. That no litigation of any nature is now pending or threatened, so far as is known to the undersigned, restraining or enjoining the issuance or delivery of said bonds, or the levy or collection of any taxes to pay the interest on or principal of said bonds, or in any manner questioning the authority or proceedings for the issuance of said bonds or for the levy or collection of said taxes, or affecting the validity of said bonds or the levy or collection of said taxes;

2. That neither the corporate existence of the Town, the present boundaries thereof, nor the rights of the officers of the Town to hold their respective offices, is being contested or challenged;

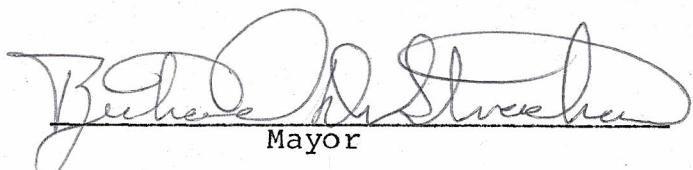
3. That no authority or proceedings for the issuance of said bonds has or have been repealed, revoked or rescinded;

4. That none of the General Obligation Water Bonds, in the amount of \$155,000, of the Town, have been heretofore issued under or pursuant to such proceedings;

5. That, so far as is known to the undersigned nothing exists to hinder or prevent the Town from issuing such bonds;

IN WITNESS WHEREOF, the Board of Trustees of the Town of Berthoud, Colorado, has caused this Certificate to be signed by the Mayor, sealed with the seal of the Town and attested by the Town Clerk, this 23 day of Nov., 1977.

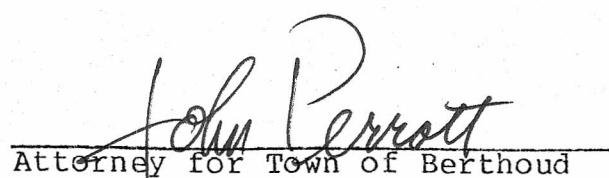
( S E A L )

  
Berthoud Mayor

ATTEST:

Carol A. Mayo  
\_\_\_\_\_  
Town Clerk

EXAMINED AND APPROVED as to form and content this  
23 day of Nov., 1977.

  
\_\_\_\_\_  
John P. Perrott  
Attorney for Town of Berthoud

STATE OF COLORADO      )  
                            )  
COUNTY OF LARIMER      ) ss.  
                            )  
TOWN OF BERTHOUD      )

CERTIFICATE OF VALUATION  
AND OUTSTANDING INDEBTEDNESS

The undersigned, the Town Clerk and Town Treasurer of the Town of Berthoud, hereby certify that the total valuation for assessment of the taxable property within the Town of Berthoud, Colorado, as shown by the last preceding assessment for Town purposes, being the assessment for the year 1977, is \$4,565,930, and that the actual value of the taxable property within the Town, as determined by the County Assessor of Larimer County, is not less than \$15,230,000.

It is further certified that the Town of Berthoud has outstanding the following issues of general obligation bonds:

<u>Date of Issue</u>	<u>Designation</u>	<u>Amount Outstanding</u>
February 1, 1971	General Obligation Water Bonds	\$ 80,000
October 1, 1973	General Obligation Recreation Bonds	\$105,000
November 1, 1977	General Obligation Water Bonds	\$155,000 (when issued and outstanding)

IN WITNESS WHEREOF, We have hereunto subscribed our names and affixed the seal of the Town of Berthoud, this 23 day of Nov., 1977.

( S E A L )

Carol A. Mayo  
Town Clerk

Frances Nelson  
Town Treasurer

STATE OF COLORADO      )  
                            )  
COUNTY OF LARIMER      ) ss.  
                            )  
TOWN OF BERTHOUD      )

NON-ARBITRAGE

CERTIFICATE

We, Richard D. Strachan, and Carol A. Mayo, Town Clerk, of the Town of Berthoud, Colorado, do hereby certify that we are charged either alone or with others with the responsibility for issuing the General Obligation Water Bonds, dated November 1, 1977, in the principal amount of \$155,000; that we reasonably expect the following will occur with respect to the issuance of said bonds:

1. The projects to be acquired, constructed or installed with the proceeds of the issue of bonds referred to above, are as follows:

Berthoud National Bank loan - for transmission line  
Berthoud National Bank loan - for dike removal & transmission line  
Filter plant improvements

The following dates relate to the construction of the water improvement project:

(1) Date on which preliminary engineering work (was) (will be) completed: January 1, 1978.

(2) Date on which construction contract (was) (will be) entered into with the contractor: February 1, 1978.

(3) Estimated date on which construction work will begin: March 1, 1978.

(4) The estimated date of completion of construction: May 15, 1978.

The estimated total cost of the project and the amount of bonds to be issued are as follows:

(a) estimated total cost of construction contract	\$ <u>125,960</u>
(b) engineering costs	\$ <u>19,040</u>
(c) Administrative, legal and fiscal expense (including publication)	\$ <u>5,000</u>
(d) Other miscellaneous expenses	\$ <u>-0-</u>
(e) Amount of project cost to be paid by other than from proceeds of the bond issue	\$ <u>-0-</u>
(f) Amount of bonds to be issued	\$ <u>155,000</u>

2. That the work on the project will proceed thereafter with due diligence to completion;

3. That at least 85% of the spendable proceeds of the bonds will be expended for the project costs by November 23, 1980;

4. That the yield on the General Obligation Water Bonds, dated November 1, 1977, is computed to be 5.67 %; it is anticipated that the yield on the government obligations to be acquired with the proceeds of this bond issue is 5 3/4 %;

5. That it is not now reasonably expected that any project financed by the expenditure of proceeds of the bonds will be sold or otherwise disposed of, in whole or in part, prior to the last maturity of the bonds, although possibly while the bonds are outstanding and unpaid the Town may sell, exchange, lease or otherwise dispose of any unsubstantial part of a project or projects financed by said bonds and not useful in the operation of the Town nor necessary or which shall have been replaced by other property of at least equal value; it is not now reasonably expected that any indirect proceeds received by the Town from any such disposition of such projects will be unreasonably accumulated during the term of the issue of bonds.

6. The original proceeds of this issue of bonds will not exceed by more than 5% the amount necessary for the purpose or purposes of the issue.

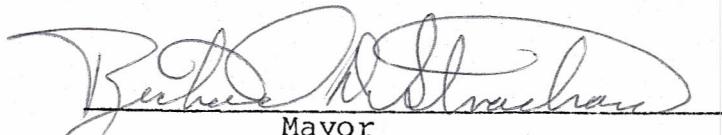
7. That \$ - 0 - of the amount of original proceeds of the bonds will be credited to a reserve or replacement fund.

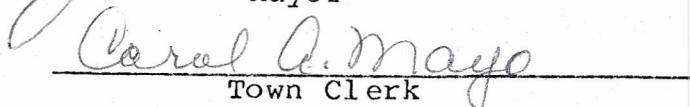
8. That notice pursuant to Section 1.103-13(a)(2)(iii) of the proposed regulations of the Internal Revenue Service, (relating to non-reliance on the certification of a State or local governmental unit) is not in effect with respect to the Town, and that to the best of our knowledge no such notice has been published.

On the basis of the foregoing, it is not expected that the proceeds of the bonds will be used in any manner that would cause the bonds to be arbitrage bonds under Section 103(c) of the Internal Revenue Code and the regulations prescribed under that Section. To the best of our knowledge and belief, there are no other facts, estimates, or circumstances that would materially change the foregoing conclusion.

IN WITNESS WHEREOF, We have hereunto subscribed our names and affixed the seal of the Town this 23 day of Nov., 1977.

( S E A L )

  
Barbara M. Stranahan  
Mayor

  
Carol A. Mayo  
Town Clerk

STATE OF COLORADO )  
 )  
COUNTY OF LARIMER ) ss.  
 )  
TOWN OF BERTHOUD )

SIGNATURE CERTIFICATE

We, the undersigned, the duly qualified and acting Mayor, Town Clerk and Town Treasurer of the Town of Berthoud, Larimer County, Colorado, do hereby certify that the undersigned were the Mayor, Town Clerk and Town Treasurer, respectively, of said Town on the date of the execution and on the date of delivery of that certain series of bonds issued by the Town in the total amount of \$155,000, designated "General Obligation Water Bonds," bearing date the 1st day of November, 1977, consisting of 31 bonds in the denomination of \$5,000 each, numbered 1 to 31, inclusive; that the manual and facsimile signatures appearing upon said bonds and the interest coupons thereto attached are the manual or facsimile signatures of such officers, respectively; that said manual signatures were duly and manually affixed by the undersigned officers whose signatures they purport to be; that said facsimile signatures were duly affixed with the knowledge and consent of the undersigned officials whose facsimile signatures they purport to be and the same are hereby adopted; that the facsimile seal which appears on each of said Bonds is a facsimile of the duly adopted official corporate seal of said Town, a manual impression of which is impressed on this Certificate; and that said officers have to this Certificate subscribed their manual signatures, this 23 day of Nov., 1977.

( S E A L )

Beth Odstrom  
Mayor  
Carol A. Mayo  
Town Clerk  
Frances Nelson  
Town Treasurer

Signatures affixed to the above certificate and upon each of the above described Bonds guaranteed as those of the officials, respectively, designated above.

Berthoud National Bank Bank  
Berthoud, Colorado  
By Michael J. Calahan  
Title Cashier

STATE OF COLORADO      )  
COUNTY OF LARIMER      ) ss.  
TOWN OF BERTHOUD      )

DELIVERY CERTIFICATE

I, Frances Nielson, Treasurer of the Town of Berthoud, Larimer County, Colorado, hereby certify that the Town delivered to Boettcher and Company, Inc., Denver, Colorado, the purchaser of its General Obligation Water Bonds, in the principal amount of \$155,000, dated November 1, 1977, consisting of 31 bonds in the denomination of \$5,000 each, numbered 1 to 31, inclusive, receiving full consideration therefor, as follows:

Principal Amount:	\$155,000
Less Discount:	(\$ 5,000)
Accrued Interest From November 1, 1977:	\$ <u>520.98</u>
TOTAL:	\$ <u>150,520.98</u>

And it is hereby further certified that the statements made in the Certificates appearing at pages 13 to 20, inclusive, concerning said Town and the above bonds, including but not limited to provisions therein relating to officers of the Town and their signatures, and to the absence of any litigation regarding the Town, its officers or the above bonds, remain true and correct to and including the date of this Certificate; and each of the paragraphs therein set forth is herein incorporated by specific reference.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 23 day of Nov., 1977.

( S E A L )

Frances Nielson  
Town Treasurer