

ORDINANCE NO. 002, 2009
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PROCEEDS FROM THE ISSUANCE OF CITY OF FORT COLLINS,
COLORADO, WASTEWATER UTILITY ENTERPRISE, SEWER REVENUE REFUNDING
BONDS, SERIES 2009, SCHEDULED TO BE SOLD THE WEEK OF JANUARY 20, 2009, IN
THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$34,000,000
IN THE WASTEWATER UTILITY FUND

WHEREAS, upon passage on first and second reading of Ordinance No. 003 of the Board of the City of Fort Collins, Colorado, Wastewater Utility Enterprise (the "Bond Ordinance"), the Enterprise intends to issue City of Fort Collins, Colorado, Wastewater Utility Enterprise, Sewer Revenue Refunding Bonds, Series 2009, scheduled to be sold the week of January 20, 2009, in the Maximum Aggregate Principal Amount of \$34,000,000 (the "Bonds"); and

WHEREAS, the issuance of the Bonds, and the appropriation of the proceeds thereof, is necessary to complete the refunding of the City's Sewer Revenue Refunding Bonds, Series 2009; and

WHEREAS, the bond proceeds will be used to make improvements at the Mulberry treatment plant including upgrading the plant's secondary treatment processes by removing the trickling filter and its associated facilities and installing a new aeration basin and associated facilities as well as install new odor control improvements; and

WHEREAS, proceeds from the Bonds of \$34,000,000 were not included in the 2009 budget, the appropriation of which is necessary to authorize the payment to the refunded bond escrow agent and of bond issuance costs; and

WHEREAS, Section 19.3(b) of Article V of the City Charter provides that an enterprise board of the City shall not exercise powers reserved to the Council by the City Charter or otherwise (other than the power to issue revenue bonds and other obligations); and

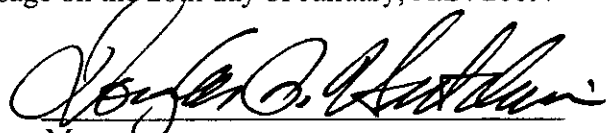
WHEREAS, Article V, Section 9, of the Charter of the City of Fort Collins permits the City Council to make supplemental appropriations by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriations, in conjunction with all previous appropriations for that fiscal year, does not exceed the current estimate of actual and anticipated revenues to be received during the fiscal year; and

WHEREAS, City staff has determined that the appropriation of the previously unappropriated proceeds of the Bonds in the amount of \$34,000,000 will not cause the total amount appropriated in the relevant funds to exceed the current estimate of actual and anticipated revenues to be received during the fiscal year.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the previously unappropriated proceeds of the Bonds in the amount of THIRTY FOUR MILLION DOLLARS (\$34,000,000) are hereby appropriated in the

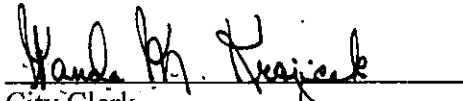
Wastewater Fund for the purpose of funding a major capital improvement project at the Mulberry Reclamation Facility, including both design and construction of the new facility.

Introduced, considered favorably on first reading, and ordered published this 6th day of January, A.D. 2009, and to be presented for final passage on the 20th day of January, A.D. 2009.



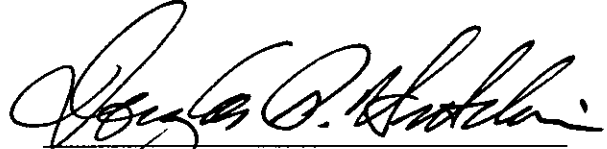
Mayor

ATTEST:



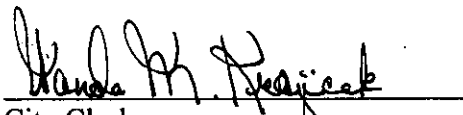
City Clerk

Passed and adopted on final reading on the 20th day of January, A.D. 2009.



Mayor

ATTEST:



City Clerk