

CITY OF BRIGHTON, COLORADO

ORDINANCE NO. _____

INTRODUCED BY: Kreutzer

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A LOAN FROM THE CITY OF BRIGHTON CEMETERY PERPETUAL CARE FUND TO THE CITY OF BRIGHTON CEMETERY FUND, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) TO FUND THE CONSTRUCTION OF CREMATION GARDENS AT ELMWOOD AND FAIRVIEW CEMETERIES; AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE SUCH DOCUMENTS AS MAY BE REQUIRED TO CONSUMMATE THE LOAN; SETTING FORTH CERTAIN FINDINGS REGARDING SAID LOAN; SETTING FORTH THE TERMS OF SAID LOAN; AND SETTING FORTH OTHER DETAILS RELATED THERETO.

WHEREAS, Article 21-44 of the Brighton Municipal Code establishes and sets forth, generally, the operation of Elmwood and Fairview Cemeteries within the City of Brighton; and

WHEREAS, §21-44-20 of the Brighton Municipal Code addresses the City’s provision of ‘perpetual care’ at Elmwood and Fairview Cemeteries; and

WHEREAS, §3-10-210 and §3-10-20 of the Brighton Municipal Code establish the City’s Municipal Perpetual Care Fund for the receipt of payments made for perpetual care at Elmwood and Fairview Cemeteries; and

WHEREAS, monies within the City of Brighton Cemetery Fund may be used to “*undertake improvement projects to the City of Brighton cemeteries*”; and

WHEREAS, the City of Brighton Cemetery Manager has submitted a proposal to the City Council to construct Cremation Gardens in Elmwood Cemetery and Fairview Cemetery at an estimated cost of One Hundred Fifty Thousand Dollars (\$150,000); and

WHEREAS, the Cemetery Manager has further informed the City Council that said Cremation Gardens will meet a growing need expressed by the citizens of Brighton and provide revenue to the Cemetery Fund; and

WHEREAS, the Cemetery Manager has further informed the City Council that there are not sufficient monies in the Cemetery Fund to pay for the Cremation Gardens, and has requested that the City Council approve a loan from the Municipal Perpetual Care Fund to the Cemetery Fund to cover the costs of the Cremation Gardens; and

WHEREAS, the Cemetery Manager has further informed the City Council that the revenues from the Cremation Gardens will be sufficient to pay the loan; and

WHEREAS, pursuant to Article XI of the City of Brighton Charter, *“the City may, subject to any applicable limitations in the Colorado Constitution, borrow money and issue securities or enter into other obligations to evidence such borrowing in any form and in any manner determined by the Council to be in the best interest of the City”*; and

WHEREAS, there is currently One Million Five Hundred Thousand Dollars (\$1,500,000.00) in the Cemetery Perpetual Care Fund; and

WHEREAS, the City Council finds and determines that it is in the best interests of the citizens of Brighton, and, consistent with the stated purpose of the Cemetery Fund, that the City provide funding to the Cemetery Fund, in the form of a loan, to carry out the Cremation Garden Plan; and

WHEREAS, the City Council further finds and determines that it is in the best interests of the City and in furtherance of a substantial public purpose that the City loan a sum not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00) from the Municipal Cemetery Perpetual Care Fund to the City Cemetery Fund, for the design and construction of the Cremation Garden Project; and

WHEREAS, the terms of said loan shall include: a term of twenty years commencing with the effective date of this ordinance; simple interest on the principal at the rate of two percent (2%), to be applied to the principal, until the loan is paid in full; and

WHEREAS, pursuant to Section 5.7 of the City of Brighton Charter, every act creating indebtedness and authorizing borrowing of money shall be approved by ordinance; and

WHEREAS, the City Council is desirous of authorizing the subject loan from the Municipal Cemetery Perpetual Care Fund to the Brighton Cemetery Fund upon the terms and subject to the conditions set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. The City Council hereby approves a loan to the City of Brighton Cemetery Fund in a sum not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00), subject to the conditions set forth in Section 2 hereof.

Section 2. (a) The funds for said loan shall come from the Municipal Cemetery Perpetual Care Fund; and

(b) The term of said loan shall be twenty (20) years from the effective date of this ordinance and shall include simple interest on the principal at the rate of two percent (2%), to be applied to the principal until the loan is paid in full.

Section 3. The Mayor and City Manager are hereby authorized to execute all documents necessary to consummate the subject loan, subject to the provisions of Section 2 above.

Section 4. Validity. If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or portions of the ordinance.

Section 5. Repeal. Existing or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

ADOPTED ON FIRST READING AND ORDERED PUBLISHED THIS 17th DAY OF February, 2015.

CITY OF BRIGHTON, COLORADO

By: _____
Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker
City Attorney

Published in the *Brighton Banner*
First Publication: February 26, 2015

**PASSED ON SECOND AND FINAL READING AND ORDERED
PUBLISHED BY TITLE ONLY THIS 3rd DAY OF March, 2015.**

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

**Published in the *Brighton Banner*
Final Publication: March 12, 2015**