

ORDINANCE No. 2011-3

**AN EMERGENCY ORDINANCE AUTHORIZING A CHANGE ORDER
FOR A COMPLETION OF INFILTRATION GALLERY ON WATERFALL
CREEK AND PROVIDING FOR A TRANSFER FROM UNEXPENDED
APPROPRIATIONS OR AN APPROPRIATION FROM RESERVE FUNDS
IN CONNECTION THEREWITH**

WHEREAS, the Town of Ophir has contracted for completion of certain water system improvements including a water storage tank, a water treatment plant, and a new infiltration gallery on Waterfall Creek; and

WHEREAS, such improvements are partially funded by a loan from the Colorado Water Resources and Power Development Authority pursuant to a 2009 Loan Agreement; and

WHEREAS, terms and conditions of said loan require completion of the Town of Ophir water system improvements in 2011; and

WHEREAS, unanticipated additional costs have been incurred with respect to the infiltration gallery on Waterfall Creek; and

WHEREAS, in order to properly install the infiltration gallery, additional water system project costs will need to be incurred in an amount up to \$20,000; and

WHEREAS, Article 3, Section 12 of the Ophir Home Rule Charter authorizes the General Assembly to adopt emergency ordinances for the preservation of the public prosperity, health, peace or safety by approval of an affirmative vote of majority of the members present at a meeting of the General Assembly; and

WHEREAS, the Ophir General Assembly finds that the completion of the infiltration gallery on Waterfall Creek in the year 2011 is necessary to preserve the public prosperity, health, peace and safety of the Town of Ophir; and

WHEREAS, the Ophir General Assembly is willing to authorize an amendment to the 2011 Ophir budget in connection therewith.

NOW THEREFORE, BE IT ORDAINED by the General Assembly of the Town of Ophir, that;

1. Authorization.

The Ophir General Assembly hereby authorizes expending an additional \$20,000 for completion of the Waterfall Creek infiltration gallery. The Town Manager is authorized to execute a change order with the Town's contractor in connection therewith.

2. Financing.

The Ophir General Assembly hereby authorizes the transfer or appropriation of \$20,000 from Town General Fund reserves and/or transfers from unexpended line items within the General Fund, and discretion of the Town Manager.

3. Recitals.

The Recitals set forth above are incorporated herein.

3. Effective Date.

This Ordinance shall take effect immediately upon adoption, and shall be published in full by the Town Clerk as soon thereafter as possible, and not later than 10 days after passage.

Introduced, Read, and Approved on First and Final Reading at a public hearing before the General Assembly on the 20th day of September, 2011.

By: _____



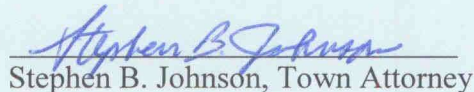
Todd Rutledge, Mayor

Attest: _____



Valerie Hill, Town Clerk

Approved as to Form: _____


Stephen B. Johnson, Town Attorney