

**TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2021-09**

**AUTHORIZING AND APPROVING JOHNSTOWN’S PARTICIPATION
IN THE METRO MORTGAGE ASSISTANCE PLUS PROGRAM AND
AUTHORIZING THE EXECUTION OF THE DELEGATION AND
PARTICIPATION AGREEMENT AND OTHER DOCUMENTS IN
CONNECTION THEREWITH**

WHEREAS, the Town of Johnstown, Colorado (the “Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, the State of Colorado (the “State”) Constitution Article XIV, Section 18(2)(a) provides that nothing in the Constitution shall prohibit any of the State’s political subdivisions from cooperating with one another to provide any service lawfully authorized to each of the cooperating units; and

WHEREAS, the City and County of Denver, Colorado (“Denver”) is authorized pursuant to its Home Rule Charter to promote the financing of mortgage loans for low- and moderate-income persons or families intended for use as the sole place of residence by the owners or intended occupants thereof; and

WHEREAS, Denver sponsors the Metro Mortgage Assistance Plus Program to provide competitive mortgage loans which will be coupled with down payment and closing cost assistance in connection with financing mortgage loans for low- and moderate- income persons or families intended for use as the sole place of residence by the owners or intended occupants thereof (the “Program”); and

WHEREAS, Denver has invited the Town to participate in the Program; and

WHEREAS, the Town has the legal authority to participate in the Program pursuant to its Home Rule Charter, the general powers granted to it in Title 29, Article 1, Section 203 of the Colorado Revised Statutes, as amended, and Title 31, Article 15, Section 101 *et seq.*, Colorado Revised Statutes, as amended (collectively, the “Act”); and

WHEREAS, the Town desires to delegate to Denver the authority of the Town to take action and exercise power under the Act on behalf of the Town with respect to the Program within the Town’s boundaries.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:

Section 1. In order to benefit the residents of the Town, the Town Council authorizes and approves its participation in the Program in connection with the financing of mortgage loans

for low–and moderate–income families or persons intended for use as the sole place of residence by the owners or intended occupants thereof, and the Town delegates to Denver the authority of the Town to take action and exercise power under the Act on behalf of the Town with respect to the Program.

Section 2. Gary Lebsack, Mayor of the Town, is hereby authorized and directed to execute the Delegation and Participation Agreement attached hereto and incorporated herein by reference as Appendix A and the Town Manager, is hereby authorized and directed to take such other actions as may be necessary or convenient to carry out and give effect to the Town’s participation in the Program.

Section 3. Nothing contained in this Resolution or the assignment shall constitute a debt, indebtedness or multiple-fiscal year direct or indirect debt or other financial obligation of the Town within the meaning of the Constitution or statutes of the State of Colorado or the home rule charter of any political subdivision thereof, nor give rise to a pecuniary liability of the Town or a charge against its general credit or taxing powers.

Section 4. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 5. This Resolution shall be in full force and effect upon its passage and approval.

PASSED, SIGNED, APPROVED, AND ADOPTED this ___ day of April, 2021.

TOWN OF JOHNSTOWN

Gary Lebsack, Mayor

ATTEST:

Diana Seele, Town Clerk