

RESOLUTION NO. 5-11

A RESOLUTION OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO ESTABLISHING THE PROCEDURE FOR DISBURSEMENT OF MUNICIPAL FUNDS TO AID AND FOSTER THE BUSINESS, SOCIAL, EDUCATIONAL ADVANTAGES, NATURAL SOURCES, SCENIC ATTRACTIONS OF THE TOWN OF BERTHOUD; TO AID AND FOSTER NON-DENOMINATIONAL CHARITABLE ORGANIZATIONS; AND FOR THE PURPOSE OF GIVING PUBLIC CONCERTS AND ENTERTAINMENT.

WHEREAS, the Town of Berthoud has determined that a portion of its municipal funds may be used to improve the economic, social and cultural welfare of the Town of Berthoud.

WHEREAS, Section 31-15-901 of the *Colorado Revised Statutes* states,

31-15-901. Miscellaneous powers. (1) The governing body of each municipality has the power:

(a) To appropriate money in an amount not exceeding six-tenths of one mill on the valuation for assessment for the purpose of giving public concerts and entertainments by such municipality;

(b) To appropriate moneys for the purpose of advertising or marketing the business, social, and educational advantages, the natural resources, and the scenic attractions of such municipality;

(c) To aid and foster, by all lawful measures, associated charity organizations by appropriations and to grant the use of suitable rooms in the municipal buildings. No portion of any money so appropriated shall be given or loaned to any society, corporation, association, or institution that may be wholly or in part under sectarian or denominational control.

WHEREAS, restrictions on this funding are outlined in the Colorado Constitution, Article XI, Section 2 which states as follows:

"Neither the state, nor any county, city, town, township, or school district shall make any donation or grant to, or in aid of, or become a subscriber to, or shareholder in any corporation or company or a joint owner with any person, company, or corporation, public or private, in or out of the state, except as to such ownership as may accrue to the state by escheat, or by forfeiture, by operation or provision of law; and except as to such ownership as may accrue to the state, or to any county, city, town, township, or school district, or to either or any of them, jointly with any person, company, or corporation, by forfeiture or sale of real estate for nonpayment of taxes, or by donation or devise for public use, or by purchase by or on behalf of any or either of them, jointly with any or either of them, under execution in cases of fines, penalties, or forfeiture of recognizance, breach of condition of official bond, or of bond to secure public moneys, or the performance of any contract in which they or any of them may be jointly or severally interested. Nothing in this section shall be construed to prohibit any city or town from becoming a subscriber or shareholder in any corporation or company, public or

private, or a joint owner with any person, company, or corporation, public or private, in order to effect the development of energy resources after discovery, or production, transportation, or transmission of energy in whole or in part for the benefit of the inhabitants of such city or town.”

NOW THEREFORE, BE IT RESOLVED THAT:

Section 1: All organizations qualified to receive funding from the Town of Berthoud shall submit a Request for Public Funding along with a completed Financial Statement that includes a recent Income and Expense Statement and a balance Sheet for the organization applying for funding in a format approved by the Town Clerk on or before July 1 of each year.

Section 2: Each applicant shall describe in sufficient detail:

- (a) Applicant must describe in detail what Public Purpose will be served with the funds requested;
- (b) The project(s) which it wishes to undertake;
- (c) The social, economic and cultural benefits which the project will provide to the Town or its citizens;
- (d) The date(s), location(s) and anticipated size of the project;
- (e) The method(s) in which the funding provided by the Town will be monitored and administered by the applicant.
- (f) The amounts and sources of other additional funding which the applicant has or anticipates receiving for the project;
- (g) The use(s) by the applicant of funds generated from the project;
- (h) Any other information which the applicant believes supports its project.

Section 3: Priorities for funding shall be based upon the following:

- (a) The experience of the applicant, preferably as a qualified 501 tax-exempt entity, has in producing event(s)/project(s) of this type.
- (b) The anticipated cost benefit analysis, if applicable.
- (c) The amount of the matching funding the applicant will obtain from other sources.
- (d) Why the proposed project is beneficial, presently non-existent or unique and unfunded or underfunded.

Section 4: The Board of Trustees of the Town of Berthoud hereby authorizes the Town Staff to prepare and process the completed applications in conjunction with the Town’s annual budget process and also to develop such additional guidelines as it deems necessary and appropriate. Funds will be dispersed by the Town on a quarterly basis at the end of the quarter within ten working days of when the Town Clerk receives updated quarterly financial statements prepared by the applicant in the format approved by the Town Clerk in Section 1 above. If the funds requested are for a one-time event the Town may take this into consideration and distribute the funds in a lump sum amount, however the appropriate financial reporting will still be required.

Section 5:

This resolution shall take effect upon adoption on this 8th day of February 2011.

TOWN OF BERTHOUD

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T. P. Patterson – Mayor

ATTEST:

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Mary K. Cowdin – Town Clerk

Approved as to Form:

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R. B. Fickel