

**ORDINANCE NO. 860**

**AN ORDINANCE APPROVING A LEASE-PURCHASE AGREEMENT FOR ACQUISITION OF NEW EQUIPMENT FOR USE BY THE PUBLIC WORKS DEPARTMENT**

**WHEREAS**, the City is authorized by applicable law to acquire equipment for municipal purposes and to enter leases for the same, which leases may include an option to purchase and acquire title to the leased property; and

**WHEREAS**, the City Council has determined that there exists a true and essential need for the purchase of new equipment for use in the efficient and proper operation of the Dacono Public Works Department; and

**WHEREAS**, the City has undertaken the necessary steps and procedures under applicable law, including compliance with any applicable bidding requirements, to arrange for acquisition of the equipment.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:**

**Section 1.** The Lease Purchase Agreement between the City and PNC Equipment Finance, LLC (the "Lease") for lease with right to purchase of one Model TS6.140 NH Tractor MFWD Loader, s/n NT0184400, one Model 835TL Non Self Leveling Loader with Bucket, and one Model BW1560Q Woods Batwing 15' Mower ("Equipment") is hereby approved in essentially the same form as the copies of such Lease and supporting documents accompanying this Ordinance. Copies of the Lease and supporting documents have also been deposited with the City Clerk and are available for public inspection.

**Section 2.** The Mayor, City Clerk, and City Attorney are authorized to execute and deliver on behalf of the City the Lease and all other documents necessary to implement the Lease and acquire the Equipment, and are further authorized to negotiate and approve on behalf of the City such revisions to the Lease as the Mayor determines are necessary or desirable for the protection of the City, so long as the essential terms and conditions of the Lease are not altered. The Lease shall be in a principal amount not to exceed \$96,386.36, will bear interest at a rate not to exceed 10% per annum and the aggregate of the initial term and all renewal terms shall not exceed three years.

**Section 3.** The Lease authorized herein and the City's obligation thereunder to make lease payments are hereby designated "qualified tax-exempt obligations" for the purpose and within the meaning of Section 265(b)(3) of the Internal Revenue Code. The City Council finds and determines that the reasonably anticipated amount of qualified tax-exempt obligations which have been and will be issued by the City does not exceed \$10,000,000.00 for the calendar year within which the Lease is to be a "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Internal Revenue Code.

**Section 4.** If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 5.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE AND POSTED IN FULL this 12<sup>th</sup> day of November, 2018.**

**PUBLIC HEARING AND SECOND READING WILL BE THE 26<sup>th</sup> day of November, 2018, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.**

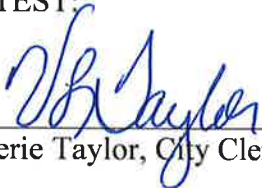
**READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 26<sup>th</sup> day of November, 2018.**

CITY OF DACONO, COLORADO



Kevin Plain, Mayor Pro-Tem

ATTEST:



Valerie Taylor, City Clerk

Summary of Ordinance No. 860, "AN ORDINANCE APPROVING A LEASE-PURCHASE AGREEMENT FOR ACQUISITION OF NEW EQUIPMENT FOR USE BY THE PUBLIC WORKS DEPARTMENT": Approves a lease-purchase agreement for the City's acquisition of a Model TS6.140 NH Tractor MFWD Loader, s/n NT0184400, a Model 835TL Non Self Leveling Loader with Bucket, and a Model BW1560Q Woods Batwing 15' Mower, authorizes the Mayor to sign and deliver the lease-purchase agreement and other necessary documents; and designates the City's obligations under the lease-purchase agreement to be a "qualified tax-exempt obligation."