

**ORDINANCE NO. 936**

**AN EMERGENCY ORDINANCE AMENDING ORDINANCE NOS. 923 and 926 REGARDING THE CITY'S PAYMENT OBLIGATIONS AND VEHICLES LEASED UNDER THE MASTER EQUITY LEASE AGREEMENT WITH ENTERPRISE FM TRUST**

**WHEREAS**, the City is a home-rule city and municipal corporation duly organized and existing under and pursuant to Article XX of the Colorado Constitution and the City of Dacono Home Rule Charter (the "Charter"); and

**WHEREAS**, the City is authorized pursuant to the Charter, City ordinances, and state statutes to enter into long-term leasehold agreements; and

**WHEREAS**, the City is party to a Master Equity Lease Agreement ("MELA") and associated agreements with Enterprise FM Trust and its affiliates for the City's lease and management of a fleet of new vehicles for use in the efficient and proper operation of the City government and police department (the "Agreements"); and

**WHEREAS**, pursuant to the Ordinance Nos. 923 and 926, the City is authorized to lease up eight (8) total vehicles, consisting of those vehicles specifically identified in Ordinance No. 923, or other vehicles of comparable value and function determined suitable by the City Manager for the efficient and proper operation of the City government and/or police department, so long as the maximum total of the City's payment obligations under the Agreements does not exceed the limitations set forth in Ordinance No. 923; and

**WHEREAS**, after Enterprise informed that the 2023 1500 Regular Cab 4x4 WT 8' Box had been decommissioned, the City acquired a 2022 Ford Ranger XLT 4x4 Super Crew as replacement pursuant to Ordinance No. 926; and

**WHEREAS**, Enterprise has since informed that it can deliver the 2023 1500 Regular Cab 4x4 WT 8' Box, and the City desires to acquire it for use in the efficient and proper operation of the City government; and

**WHEREAS**, due to the acquisition of a ninth (9<sup>th</sup>) vehicle, the City Council anticipates the maximum total of the City's payment obligations under the Agreements will exceed the limitations set forth in Ordinance No. 923; and

**WHEREAS**, the City Council desires to amend Ordinance Nos. 923 and 926 to authorize the acquisition of the 2023 1500 Regular Cab 4x4 WT 8' Box, and an increase in the maximum total of the City's payment obligations under the Agreements as necessary to accomplish City's lease and management of a fleet of new vehicles for use in the efficient and proper operation of the City government and police department; and

**WHEREAS**, the City Council herewith finds that this Ordinance, its content, and the transactions contemplated hereby, constitute matters purely of local concern, and thus may be approved in accordance with the City Charter and ordinances; and

**WHEREAS**, the vehicles to be acquired under the Agreements are urgently needed for efficient and proper operation of the City government and police department, and thus the City Council finds that an emergency exists, and that immediate action must be taken for the preservation of public property, health, safety, and welfare of the City and its residents.

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

**Section 1.** Ordinance Nos. 923 and 926 are hereby amended as necessary to allow the City to acquire a ninth (9<sup>th</sup>) vehicle under the Master Equity Lease Agreement with Enterprise FM Trust (“MELA”), for use in the efficient and proper operation of the City government.

**Section 2.** Ordinance Nos. 923 and 926 are hereby further amended such that the maximum total of the City’s payment obligations under the MELA associated agreements shall not exceed \$40,000 in the first year, \$145,000 the subsequent year, and \$120,000 every year thereafter.

**Section 3.** Consistent with the terms of this Ordinance, the Mayor, City Clerk, City Manager, Finance Director, and City Attorney are authorized to negotiate, execute, and deliver on behalf of the City all documents necessary to acquire the vehicles under the MELA, including without limitation one or more amendments to the MELA, or to any of the documents accompanying or constituting part of the MELA,

**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.** Except as amended hereby, Ordinance Nos. 923 and 926 shall remain in full force and effect. 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.

**Section 6.** For the reasons stated in the recitals, which are hereby incorporated into this Ordinance, the City Council herewith finds, determines and declares that this Ordinance is genuinely and urgently necessary for the immediate preservation of the public health, safety, and welfare, and thus shall take effect immediately upon adoption.

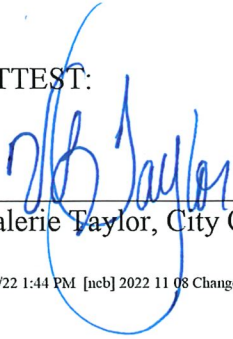
**INTRODUCED, READ, ADOPTED BY AT LEAST FIVE AFFIRMATIVE VOTES, AND ORDERED PUBLISHED BY TITLE AND POSTED IN FULL THIS 14th day of November, 2022.**

CITY OF DACONO, COLORADO



Adam Morehead, Mayor

ATTEST:



Valerie Taylor, City Clerk

11/8/22 1:44 PM [ncb] 2022 11 08 Changes to Enterprise Fleet Lease.(emerg)ord.docx

Summary of (Emergency) Ordinance No. 936, "AN EMERGENCY ORDINANCE AMENDING ORDINANCE NOS. 923 and 926 REGARDING THE CITY'S PAYMENT OBLIGATIONS AND VEHICLES LEASED UNDER THE MASTER EQUITY LEASE AGREEMENT WITH ENTERPRISE FM TRUST": Amends Ordinance Nos. 923 and 926 to authorize the City's acquisition of a ninth (9<sup>th</sup>) vehicle under the Master Equity Lease Agreement with Enterprise FM Trust ("MELA"), and an increase in the maximum total of the City's payment obligations under the MELA as necessary to accomplish City's lease and management of a fleet of new vehicles for use in the efficient and proper operation of the City government and police department.