

ORDINANCE NO. 826

AN ORDINANCE APPROVING A LEASE-PURCHASE AGREEMENT FOR ACQUISITION OF A NEW MOTOR GRADER 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 a new motor grader 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 Master Lease-Purchase Agreement between the City and Deere Credit, Inc. for acquisition of a new motor grader is hereby approved in essentially the same form as the copies of such Agreement and supporting documents accompanying this Ordinance. Copies of the Agreement and supporting documents have also been deposited with the City Clerk and are available for public inspection.

Section 2. The Mayor is authorized to execute and deliver on behalf of the City the Agreement and all other documents necessary to implement the Agreement and acquire the equipment, and is further authorized to negotiate and approve on behalf of the City such revisions to the Agreement as the Mayor determines are necessary or desirable for the protection of the City, so long as the essential terms and conditions of the Agreement are not altered.

Section 3. The Lease-Purchase Agreement 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-Purchase Agreement 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 13th day of February, 2017.

PUBLIC HEARING AND SECOND READING WILL BE THE 27th day of February, 2017, 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 ____ day of _____, 2017.

CITY OF DACONO, COLORADO

Joe Baker, Mayor

ATTEST:

Valerie Taylor, City Clerk

Summary of Ordinance No. 826, “AN ORDINANCE APPROVING A LEASE-PURCHASE AGREEMENT FOR ACQUISITION OF A NEW MOTOR GRADER FOR USE BY THE PUBLIC WORKDS DEPARTMENT”: Approves a lease-purchase agreement for the City’s acquisition of a new motor grader to be used by the Public Works Department; 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.”