

**CITY OF LEADVILLE, COLORADO
Ordinance No. 10
Series of 2020**

**AN ORDINANCE AUTHORIZING THE CITY OF LEADVILLE TO
ENTER INTO A MUNICIPAL LEASE-PURCHASE AGREEMENT
WITH FORD MOTOR CREDIT COMPANY LLC FOR THE LEASE
AND PURCHASE OF THREE 2020 POLICE INTERCEPTOR
UTILITY VEHICLES FOR POLICE PURPOSES**

WHEREAS, the City of Leadville (“City” or “Lessee”) is authorized by state law to acquire equipment for municipal purposes and to enter into leases for the same, which leases may include an option to purchase and acquire title to the leased property; and

WHEREAS, City Council, as the governing body of the City of Leadville, has determined that a true and real need exists for the acquisition of the Equipment defined and described in Schedule 7669102 – Master Equipment Lease-Purchase Agreement (“Lease-Purchase Agreement”), attached hereto as **Exhibit 1**, for use in the efficient and proper operation of the Leadville Police Department; and

WHEREAS, the City has taken the necessary steps under applicable law to arrange for the acquisition and financing of such Equipment; and

WHEREAS, the City Council has reviewed the Lease-Purchase Agreement and has found the terms and conditions thereof acceptable; and

WHEREAS, either there are no legal bidding requirements under applicable law to arrange for the leasing of such property under the Lease-Purchase Agreement or the City Council has taken the steps necessary to comply with the same with respect to the Equipment to be acquired under the Lease-Purchase Agreement.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF LEADVILLE, COLORADO, AS FOLLOWS:

Section 1. **Recitals.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. **Findings and Authorizations.** The City Council of the City of Leadville makes the following findings and representations:

- (a) City Council hereby approves the Lease-Purchase Agreement between the City and Ford Motor Credit Company LLC, a Delaware limited liability company, in substantially the same form as attached hereto as **Exhibit 1** for the total amount of One Hundred Fifty Thousand Ninety-Nine Dollars and No Cents (\$150,099.00), paid over sixty (60) months in equal monthly payments of two thousand five hundred one dollars and sixty-five cents (\$2,501.65).

- (b) City Council hereby ratifies the expenditures authorized by Resolution No. 25, Series 2020 for the Lease-Purchase Agreement.
- (c) The Mayor and the City Attorney, as appropriate, are authorized to execute and deliver on behalf of the City the Lease-Purchase Agreement and all other documents necessary to implement the Lease-Purchase Agreement and acquire the Equipment, and the Mayor and City Attorney are further authorized to negotiate and approve on behalf of the City such revisions to the Lease-Purchase Agreement and supporting documents as deemed necessary or desirable as long as any revisions do not materially increase the obligations of the City.



Signature of Party to Sign Schedule No. 7669102
Greg Labbe, Mayor

- (d) City staff is authorized to make payments in accordance with the payment schedule shown in Attachment 1 to the Lease-Purchase Agreement, including any payments required to be made prior to the effective date of this Ordinance.
- (e) The complete and correct name of the Lessee is the City of Leadville, a political subdivision of the State of Colorado. The City is and at all times shall be a duly organized and existing entity under the laws of Colorado with the full power and authority to own its properties and to transact the business and activities in which it is presently engaged or presently proposes to engage. The City does not do business under any other assumed business names.
- (f) The City maintains its offices at 800 Harrison Avenue, Leadville, Colorado 80461.
- (g) The City will perform all acts within its power which are or may be necessary to maintain its legal status as being a duly organized and existing entity under the laws of Colorado, which status is the basis for the interest portion of the rental payments coming due under the Lease-Purchase Agreement, and to at all times remain exempt from federal income taxation under the laws and regulations of the United States as presently enacted and construed or as hereafter amended.
- (h) The acquisition of the Equipment is necessary, convenient, in the furtherance of, and will at all times be used in connection with, City's governmental and proprietary purposes and functions and are in the best interests of the City. No portion of the Equipment will be used directly or indirectly in any trade or business carried on by any person other than a governmental unit of the State for lawful municipal purposes.
- (i) The meeting(s) at which the City Council considered and adopted this Ordinance were properly noticed and conducted as an open meeting in accordance with Colorado law.

- (j) There are no legal or governmental proceedings or litigation pending against the Lessee which might adversely affect the transactions contemplated in or the validity of the Lease-Purchase Agreement.

Section 3. **Severability.** Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. **Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this ordinance.

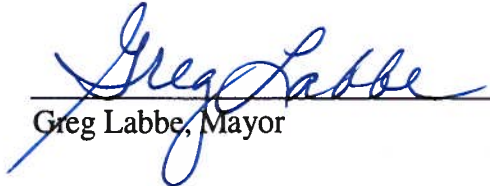
Section 5. **Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Leadville, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 6. **Effective Date.** This ordinance shall become effective thirty (30) days after publication following final passage.

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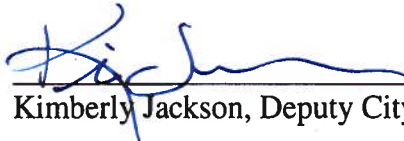
INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this 15th day December, 2020.

CITY OF LEADVILLE, COLORADO:



Greg Labbe, Mayor

ATTEST:



Kimberly Jackson, Deputy City Clerk

PUBLISHED in full in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on this 24th day of December, 2020.

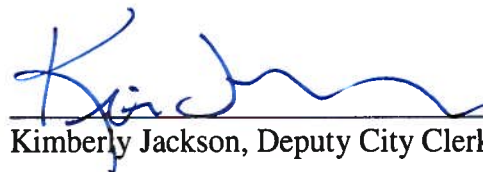
PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED, with any amendments, this 19th day of January, 2021.

CITY OF LEADVILLE, COLORADO:



Greg Labbe, Mayor

ATTEST:



Kimberly Jackson, Deputy City Clerk

PUBLISHED in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, following final reading on this 11th day of February, 2021.