

**CITY OF LEADVILLE, COLORADO**  
**Ordinance No. 2**  
**Series of 2021**

**AN ORDINANCE AUTHORIZING THE CITY OF LEADVILLE TO  
ENTER INTO A MUNICIPAL LEASE-PURCHASE AGREEMENT WITH NBH  
BANK FOR THE LEASE AND PURCHASE OF ONE LOADER FOR STREET  
DEPARTMENT 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 a 938M Loader (“Equipment”) through a lease-purchase agreement with NBH Bank, a Colorado corporation operating under the trade name of Community Banks of Colorado (“Lease-Purchase Agreement”), for use in the efficient and proper operation of the Leadville Street 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**, 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 purchase of one loader for the City’s Street Department in an amount not to exceed **Two Hundred Sixty-Eight Thousand One Hundred Eighty-Three Dollars and Forty-Four Cents (\$268,183.44)**, paid over seventy-two (72) months.
- (b) City Council further authorizes the Mayor to execute a Lease-Purchase Agreement with NBH Bank following review and approval of the Lease-Purchase Agreement by the City Attorney. The Mayor and the City Attorney, as appropriate, are authorized to execute and deliver on behalf of the City all documents necessary to 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 Lease-Purchase Agreement  
Greg Labbe, Mayor

- (c) 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.
- (d) The City maintains its offices at 800 Harrison Avenue, Leadville, Colorado 80461.
- (e) The City will perform all acts within its power which are or may be necessary to maintain its legal status as 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.
- (f) The acquisition of the Equipment is necessary, convenient, in the furtherance of, and will at all times be used in connection with, the 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.
- (g) The meetings at which the City Council considered and adopted this Ordinance were properly noticed and conducted as open meetings in accordance with Colorado law.
- (h) 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.

*CONTINUED ON NEXT PAGE*

**INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this 2nd day February, 2021.**

CITY OF LEADVILLE, COLORADO:

  
\_\_\_\_\_  
Greg Labbe, Mayor

ATTEST:

  
\_\_\_\_\_  
Kimberly Jackson, Deputy City Clerk

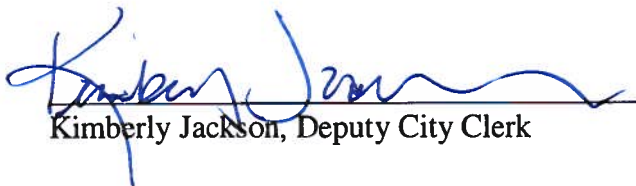
PUBLISHED in full in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on this 11<sup>th</sup> day of February, 2021.

**PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED, with any amendments, this 2nd day of March, 2021.**

CITY OF LEADVILLE, COLORADO:

  
\_\_\_\_\_  
Greg Labbe, Mayor

ATTEST:

  
\_\_\_\_\_  
Kimberly Jackson, Deputy City Clerk

PUBLISHED BY TITLE ONLY, with any amendments, in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, following final reading on this 18<sup>th</sup> day of March, 2020.