

**CITY OF LEADVILLE, COLORADO
RESOLUTION NO. 26
SERIES 2021**

**A RESOLUTION AUTHORIZING THE CITY OF LEADVILLE TO
ENTER INTO A MUNICIPAL LEASE-PURCHASE AGREEMENT WITH
COMMUNITY FIRST NATIONAL BANK AND APPROVING A PURCHASE
AGREEMENT WITH BOISE MOBILE EQUIPMENT, INC. FOR THE LEASE
AND PURCHASE OF ONE 4X4 TYPE 3 WILDLAND FIRE ENGINE FOR
LEADVILLE-LAKE COUNTY FIRE RESCUE**

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 4x4 Type 3 Wildland Fire Engine (“Equipment”) through a lease-purchase agreement with Community First National Bank (“Lease-Purchase Agreement”), for use in the efficient and proper operation of the Leadville-Lake County Fire Rescue; 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 has taken the steps necessary to comply with the same with respect to the Equipment to be acquired under the Lease-Purchase Agreement; and

WHEREAS, Section 3.08.030 of the Leadville Municipal Code allows for the City’s procurement of vehicles and other equipment under a lease-purchase agreement with a term of five years or less to be authorized by resolution of the City Council and in accordance with the City’s adopted purchasing policy in effect at the time of approval of such agreement; and

WHEREAS, the City Council desires to approve the lease-purchase agreement for the Equipment with Community First National Bank (“Lease-Purchase Agreement”) and the related agreement for the purchase of the Equipment with the vendor, Boise Mobile Equipment, Inc. (“Purchase Agreement”) in substantially the forms attached hereto; and

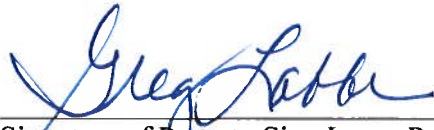
WHEREAS, City Council further desires authorize the Mayor, City Attorney, and City Staff to execute such documents and take such action as may be necessary to complete the acquisition of and financing for the Equipment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Leadville, Colorado as follows:

Section 1. The foregoing recitals are incorporated herein by reference as findings and determinations of City Council.

Section 1. 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 4x4 Type 3 Wildland Fire Engine for the Leadville-Lake County Fire Rescue in an amount not to exceed **Four Hundred Fifty Thousand Dollars and No Cents (\$450,000.00)**.
- (b) City Council authorizes an initial payment by the City directly to Boise Mobile Equipment, Inc. for the Equipment to be paid within thirty (30) days of the Effective Date of the Purchase Agreement and the remainder of the purchase price for the Equipment to be financed through the Lease-Purchase Agreement with Community First National Bank.
- (c) City Council therefore authorizes the Mayor to execute a Lease-Purchase Agreement in substantially the form attached hereto as **Exhibit 2** with Community First National Bank following review and approval of the Lease-Purchase Agreement by the City Attorney. The Mayor, the City Attorney, and City Staff, as necessary and 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 such revisions do not materially increase the obligations of the City.



Signature of Party to Sign Lease-Purchase Agreement
Greg Labbe, Mayor

- (d) The complete and correct name of the Lessee for the purposes of the Lease-Purchase Agreement 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.
- (e) The City maintains its offices at 800 Harrison Avenue, Leadville, Colorado 80461.
- (f) 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.


- (g) 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.
- (h) The meeting at which the City Council considered and adopted this Resolution were properly noticed and conducted as open meetings in accordance with Colorado law.
- (i) There are no legal or governmental proceedings or litigation pending against the City which might adversely affect the transactions contemplated in or the validity of the Lease-Purchase Agreement.
- (j) The City Council additionally approves the Purchase Agreement between the City and Boise Mobile Equipment, Inc. in substantially the form attached hereto as **Exhibit 1** for the acquisition of the Equipment; authorizes the City Attorney to make such changes to the Purchase Agreement as may be necessary that do not increase the financial obligations of the City; and authorizes the Mayor to execute the Purchase Agreement on behalf of the City once in final form.
- (k) Finally, City Council authorizes the Mayor, City Attorney, and City Staff to take such other actions as may be necessary and that do not increase the financial obligations of the City to execute the Lease-Purchase Agreement and Purchase Agreement and to complete the acquisition of the Equipment.

Section 2. **Severability.** If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

Section 4. **Effective Date.** This Resolution shall take effect upon its adoption by the City Council.

(continued on next page)

CITY OF LEADVILLE, COLORADO:

By: 
Greg Labbe, Mayor

ATTEST:

Deputy City Clerk

ADOPTED by a vote of 7 in favor and 0 against, and 0 abstaining, this 21st day of September, 2021.