

ORDINANCE NO. 794

AN ORDINANCE APPROVING A LEASE PURCHASE AGREEMENT WITH TYMCO, INC. FOR THE ACQUISITION OF A STREET SWEEPER

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 street sweeper 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 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 City Council hereby approves a Lease Purchase Agreement between the Town and TYMCO, Inc. (the “Lease”) for the lease and acquisition of one (1) Tymco 500X High Dump Regenerative Air Sweeper (the “Equipment”), which lease includes an option to purchase and acquire title to the Equipment. A copy of the form of such Lease accompanies this ordinance and is hereby approved subject to the following terms being added to the Lease: amount financed is \$166,150.00; interest rate is 2.65%; term is 5 years. Copies of the Purchase Order, Lease, and supporting documents have 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 Lease and all other documents necessary to implement the Lease and acquire the Equipment, and is further authorized to negotiate and approve on behalf of the City such revisions to these documents as the Mayor determines are necessary or desirable for the protection of the City, so long as the essential terms and conditions of the Lease are not altered.

Section 3. The Lease authorized herein and the City’s obligation thereunder to make lease payments are hereby designated a “qualified tax-exempt obligation” 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 that 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 obligation” 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 AND POSTED BY TITLE this 13th day of April, 2015.

PUBLIC HEARING AND SECOND READING WILL BE THE 27th day of April, 2015, AT 7:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 27th day of April, 2015.

CITY OF DACONO, COLORADO



Charles Sigman, Mayor

ATTEST:



Valerie Taylor, City Clerk

Summary of Ordinance No. 794, "AN ORDINANCE APPROVING A LEASE PURCHASE AGREEMENT WITH TYMCO, INC. FOR THE ACQUISITION OF A STREET SWEEPER": Authorizes execution of a lease-purchase agreement for the City's acquisition of a street sweeper; authorizes the Mayor to sign and deliver all necessary documents; and designates the City's obligations under the lease-purchase agreement to be a "qualified tax-exempt obligation."