

**STATE OF COLORADO  
CITY OF CENTRAL  
ORDINANCE NO. 14-02**

**AN ORDINANCE AUTHORIZING THE CITY OF CENTRAL TO  
ENTER INTO A MASTER INSTALLMENT PURCHASE AGREEMENT  
AND RELATED DOCUMENTATION WITH MERCEDES-BENZ  
FINANCIAL SERVICES USA FOR THE PURCHASE OF ONE SNOW  
PLOW VEHICLE FOR PUBLIC WORKS PURPOSES**

**WHEREAS**, the City Council, as the governing body of the City of Central (the “City” or “Lessee”) has determined that a true and very real need exists for the acquisition of the Equipment defined and described in the Master Installment Purchase Agreement (the “Agreement”) attached hereto as Exhibit A and presented at this meeting; and

**WHEREAS**, the City Council 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 form of the 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 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 Agreement

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO, THAT:**

**Section 1.** The City Council of the City of Central makes the following findings and representations:

(a) The City of Central is the legal name of the Borrower as set forth in the Agreement and is a public body corporate and politic, duly organized and existing under the laws of the State of Colorado with: (i) the power to tax, (ii) the power of eminent domain, and (iii) police power. The City of Central does not do business under any other names.

(b) The acquisition of the Equipment, as defined in the Agreement, under the terms and conditions provided for in the Agreement, including the grant of any security interest in such Equipment as required by such Agreement, is necessary, convenient, in the furtherance of, and will at all times be used in connection with, the City of Central’s governmental purposes and functions and are in the best interests of the City of Central, and 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 on a basis different from the general public.

(c) The meetings at which this ordinance was considered and the City Council took action to adopt were properly noticed and conducted as open meetings in accordance with Colorado law.

(d) There are no legal or governmental proceedings or litigation pending against the City of Central which might adversely affect the transactions contemplated in or the validity of the Agreement.

**Section 2.** The terms of said Agreement are in the best interests of the City for the purchase of the Equipment described therein.

**Section 3.** The City Council, as governing body of the City of Central, designates and confirms the Mayor has the authority to execute and deliver the Agreement and any related documents necessary to the consummation of the transactions contemplated by the Agreement in substantially the form attached hereto as Exhibit A and any related documents and certificates necessary to the consummation of the transactions contemplated by the Agreement for and on behalf of the City of Central. The Mayor, in consultation with the City Attorney, may make such non-material changes to the Agreement and related documents and certificates as such officers and officials deem necessary or desirable, such approval to be conclusively evidenced by the execution and delivery thereof.

**Section 4.** **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 5.** **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 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 hereby repealed prior to the effective date of this Ordinance.

**Section 6.** **Effective Date.** This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

**INTRODUCED AND READ** by title only on first reading at the regular meeting of the City Council of the City of Central on the 6<sup>th</sup> day of May, 2014, at City of Central, Colorado.

**CITY OF CENTRAL, COLORADO**

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Ronald E. Engels, Mayor

Approved as to form:

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Marcus McAskin, City Attorney

ATTEST:

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Reba Bechtel, City Clerk

**PASSED AND ADOPTED** on second reading, at the regular meeting of the City Council of the City of Central on the 20<sup>th</sup> day of May, 2014.

**CITY OF CENTRAL, COLORADO**

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Ronald E. Engels, Mayor

ATTEST:

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Reba Bechtel, City Clerk

**POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY** in the Weekly Register Call newspaper on May 8, 2014.

**POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING]** in the Weekly Register Call newspaper on May 22, 2014.

**CITY OF CENTRAL, COLORADO**

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Ronald E. Engels, Mayor

ATTEST:

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Reba Bechtel City Clerk

**Exhibit A**  
**Agreement**