

**ORDINANCE NO. 4
SERIES 2009**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, APPROVING THE TERMS AND CONDITIONS OF AN EQUIPMENT LEASE AGREEMENT DATED APRIL 8, 2009, BETWEEN THE CITY OF GUNNISON, LESSEE, AND BANK OF THE WEST, LESSOR, IN THE AMOUNT OF \$54,093 FOR THE PURCHASE OF A 2007 STERLING LT9500 TRUCK.

WHEREAS, the City of Gunnison has determined that a true and very real need exists for the acquisition of the Equipment described in the Equipment Lease Agreement presented to this meeting and for use by the City of Gunnison Public Works Department; and

WHEREAS, the City of Gunnison has taken the necessary steps, including any legal bidding requirements, under applicable law, to arrange for the acquisition of such Equipment; and

WHEREAS, Section 8.9 of the City of Gunnison Home Rule Charter authorizes the acquisition of Equipment by lease-option.

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

Section 1. The terms of said Equipment Lease Agreement are in the best interest of Lessee for the acquisition of such Equipment, and the City of Gunnison designates and confirms that the persons indicated below are authorized to execute and deliver the Equipment Lease Agreement and any related documents necessary to the consummation of the transactions contemplated by the Equipment Lease Agreement.

Section 2. Pursuant to Section 265 (b)3(D) of the Internal Revenue Code, as amended, the City Council of the City of Gunnison hereby designates this Equipment Lease Agreement as comprising a portion of the \$10 million in aggregate issues designated as "qualified tax-exempt obligations" eligible for the exception to the general rule of the Code which provides for a total disallowance of a deduction for interest expenses allocable to the carrying of tax-exempt obligations. The City Council of the City of Gunnison further certifies that it does not reasonably contemplate issuing more than \$10,000,000 of "qualified tax-exempt obligations", as defined in the Code, during calendar year 2009.

Section 3. The authorized signatures to execute the Equipment Lease Agreement shall be:

_____	<u>Mayor</u>
Stu Ferguson	Title
_____	<u>Finance Director</u>
Wendy K. Hanson	Title
_____	<u>City Clerk</u>
Gail A. Davidson	Title

Section 4. This Ordinance shall take effect immediately upon its adoption and approval on second and final reading.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 26th day of May, 2009, on first reading, and introduced, read, passed, and adopted on second and final reading this 9th day of June, 2009.

(SEAL)
ATTEST:

Mayor

City Clerk
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