



BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO

RESOLUTION NO. 2017- 20

A RESOLUTION TO LEASE, PURCHASE AND/OR FINANCE CATERPILLAR EQUIPMENT

WHEREAS, the laws of the State of Colorado (the "State") authorize Gunnison County, a duly organized political subdivision of the State (the "County"), acting by and through the Board of County Commissioners of Gunnison County, Colorado (the Board"), to purchase, acquire and lease personal property for the benefit of the County and its inhabitants and to enter into and necessary contracts; and

WHEREAS, the County wants to lease, purchase and/or finance equipment ("Equipment") from Caterpillar Financial Services Corporation and/or an authorized Caterpillar dealer ("Caterpillar") by entering into that certain Governmental Equipment Lease-Purchase Agreement signed on behalf of the County on February 13, 2017 by Leland Partch, as the County's fleet manager, (the "Agreement") with Caterpillar; and

WHEREAS, a copy of the Agreement has been presented to the Board at this May 16, 2017 meeting.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that (i) the Agreement, including all schedules and exhibits attached to the Agreement, is adopted, ratified and approved as signed by Leland Partch, with any Approved Changes (as defined below), (ii) the County enters into the Agreement with Caterpillar and (iii) the Agreement is adopted, ratified and approved as a binding obligation of the County; and

That changes may later be made to the Agreement if the changes are approved by the Board's counsel or members of the Board signing the Agreement (the "Approved Changes") and that the signing of the Agreement and any related documents is conclusive evidence of the approval of the changes; and

That Matthew Birnie, County Manager (the "Authorized Person") be, and is, authorized, directed and empowered, to take or cause to be taken, all actions he deems necessary or advisable to acquire the Equipment, including the signing and delivery of documents related to or contemplated by the Agreement; and

That the County releases and transfers to Caterpillar any and all rights it has or may have acquired in or with respect to the Equipment pursuant to any Sales Agreement previously signed by the County and Wagner Equipment Co.; and

That the Clerk of the Board is authorized to attest to these resolutions and affix the seal of the Board to the Agreement, these resolutions, and any related documents; and

That nothing in these resolutions, the Agreement, or any other document imposes a pecuniary liability or change upon the general credit of the County or against its taxing power, except to



the extent that the payments payable under the Agreement are special limited obligations of the County as provided in the Agreement; and

That a breach of these resolutions, the Agreement or any related document will not impose any pecuniary liability upon the County or any charge upon its general credit or against its taxing power, except to the extent that the payments payable under the Agreement are special limited obligations of the County as provided in the Agreement; and that the authority granted by the resolutions will apply equally and with the same effect to the successors in office of the Authorized Person.

Board of County Commissioners of Gunnison County, Colorado Resolution No. 2017-14, A Resolution to Lease, Purchase And/Or Finance Caterpillar Equipment is hereby rescinded in full.

INTRODUCED by Commissioner Houck, seconded by Commissioner Messner, and adopted this 16th day of May, 2017.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Phil Chamberland, Chairperson

Jonathan Houck, Commissioner

John Messner, Commissioner

Attest:

Deputy County Clerk