AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Resolution; To Lease, Purchase and/or Finance Cate

Action Requested:

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Please see attached resolution and bill of sale for consideration

Fiscal Impact:

Submitted by: Josh Ost **Submitter's Email Address:** jost@gunnisoncounty.org

Finance Review: (●) Required ( ) Not Required

Comments:
No concerns, payment can be covered in 2017 adopted budget. ln

Reviewed by: GUNCOUNTY1\lNienhueser Discharge Date: 5/11/2017

County Attorney Review: (●) Required ( ) Not Required

Comments:
Ok Db 5/11/17

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 5/11/2017 Certificate of Insurance Required

Yes ( ) No (●)

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 5/11/2017

(●) Consent Agenda ( ) Regular Agenda ( ) Worksession Time Allotted: 0

Agenda Date: 5/16/2017

Revised April 2015

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO

RESOLUTION NO. 2017-_____

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 _____, seconded by Commissioner _____, and adopted this _____ day of _____, 2017.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

_____
Phil Chamberland, Chairperson

_____
Jonathan Houck, Commissioner

_____
John Messner, Commissioner

Attest:

_____
Deputy County Clerk

Release of Property Interests and Bill of Sale
Transaction Number 3016819

GUNNISON COUNTY ("County") and **CATERPILLAR FINANCIAL SERVICES CORPORATION** ("CFSC"), in connection with and to facilitate a Governmental Equipment Lease-Purchase Agreement (the "Lease") for the property described below (the "Equipment"), enter into this Release of Property Interests and Bill of Sale.

In consideration of CFSC's financing County's acquisition of the Equipment by entering into the Lease as the Lessor, and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged, County hereby releases, quitclaims, transfers, and conveys to CFSC any and all rights, title and interests in or with respect to the Equipment, including without limitation any rights or interests County acquired pursuant to any Sales Agreement between County and Wagner Equipment Co. The Equipment is described as follows:

Description of Unit:	Serial#
140M3 Caterpillar Motor Grader	N9D00688

Upon the execution of the Lease by County, as the Lessee, and CFSC, as the Lessor, the parties' respective rights and interests with respect to the Equipment will be solely as set forth under the terms and provisions of the Lease.

SIGNATURES

Caterpillar Financial Services Corporation
("CFSC")

Signature _____

Name (print) _____

Title _____

Date _____

Gunnison County
("County")

Signature _____

Name print) _____

Title _____

Date _____