

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY OF INDEPENDENCE, MISSOURI, TO ENTER INTO AN EQUIPMENT LEASE-PURCHASE AGREEMENT WITH CATERPILLAR FINANCIAL SERVICES CORPORATION, THE PROCEEDS OF WHICH WILL BE USED TO PAY THE COSTS OF ACQUIRING A SMALL WHEEL LOADER; AND TO APPROVE THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Independence, Missouri (the “City”), has determined that it is in the best interest of City to provide for (a) the acquisition of a Caterpillar small wheel loader (the “Equipment”), and to finance the costs of the Equipment; and,

WHEREAS, the City has determined it to be in the best interest of City to enter into a lease purchase transaction with Caterpillar Financial Services Corporation (the “Lessor”) in order to finance the costs of the Equipment; and,

WHEREAS, in order to facilitate the foregoing and to pay the cost of the Equipment, the City finds and determines that it is necessary and desirable that City be authorized to enter into an annually renewable Equipment Lease-Purchase Agreement (the “Lease”) with the Lessor, pursuant to which City, as lessee, will lease the Equipment from the Lessor, on a year-to-year basis with an option to purchase Lessor’s interest in the Equipment, a form of which is attached hereto;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. Authorization and Approval of the Lease. The Lease is hereby approved in substantially the form submitted to and reviewed by the City on the date hereof. The City Manager is hereby authorized and directed to execute and deliver the Lease Documentation, and all documents attached as exhibits thereto, on behalf of and as the act and deed of City.

The obligation of City to pay Lease Payments under the Lease is subject to annual appropriation and will constitute a current expense of City and will not in any way be construed to be an indebtedness or liability of City in contravention of any applicable constitutional or statutory limitation or requirement concerning the creation of indebtedness or liability by City, nor will anything contained in the Lease constitute a pledge of the general tax revenues, funds or moneys of City, and all provisions of the Lease will be construed so as to give effect to such intent.

SECTION 2. Further Authority. City will, and the officials and agents of City (including, but not limited to, the Mayor, Clerk, City Manager, Assistant City Manager, and Director of Finance and Administration) are hereby authorized and directed to, take such actions, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of City with respect to the Lease, the other documents authorized or approved hereby and the Equipment. The City Manager and the Director of Finance and Administration are hereby named as the City’s authorized representatives under the Lease Documentation.

SECTION 3. Effective Date. This Ordinance will take effect and be in full force from and after its passage by the City Council.

SECTION 4. Emergency. This Ordinance, in the judgment of the Council, is deemed to be of an urgent nature and that its immediate passage is necessary for the preservation of the public peace, property, health, safety and welfare of the residents of the City of Independence and should become effective immediately upon the date of its passage to enable the City to accept the offer of the Lessor to enter into the Lease while the offer is still valid.

PASSED AS AN EMERGENCY THIS _____ DAY OF _____, 2020 BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, sufficient to meet the obligation hereby incurred.

Source is: As Indicated Above

Director of Finance and Administration
City of Independence, Missouri