

# COTTONWOOD HEIGHTS

## RESOLUTION NO. 2016-58

### A RESOLUTION APPROVING ENTRY INTO A GOVERNMENTAL LEASE-PURCHASE AGREEMENT WITH ZB, NATIONAL ASSOCIATION FOR THE LEASE OF POLICE VEHICLES AND ASSOCIATED EQUIPMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF ALL RELATED DOCUMENTS AND THE TAKING OF ALL REQUIRED ACTIONS

**WHEREAS**, the city of Cottonwood Heights (the “*City*”) is a Utah municipality authorized by Utah law to lease property for the benefit of the City and its inhabitants and to enter into contracts with respect thereto; and

**WHEREAS**, the City formed the Cottonwood Heights Police Department (“*CHPD*”) to provide law enforcement within the City, and desires to purchase vehicles and associated equipment (collectively, the “*Vehicles*”) for CHPD’s use in performing that essential governmental function; and

**WHEREAS**, in order to purchase the Vehicles, the City proposes to enter into a “Governmental Lease Purchase Agreement” (with all related documents and exhibits, the “*Agreement*”) with ZB, National Association (the “*Lessor*”); and

**WHEREAS**, the City’s municipal council (the “*Council*”) met in regular session on 12 July 2016 to consider, among other things, approving the City’s entry into the Agreement; and

**WHEREAS**, the Council has reviewed the form of the Agreement, a photocopy of which is annexed hereto; and

**WHEREAS**, after careful consideration, the Council has determined that it is in the best interests of the City and its efficient administration, and the health, safety and welfare of the City’s residents, to approve the City’s entry into the Agreement as proposed;

**NOW, THEREFORE, BE IT RESOLVED** by the city council of the city of Cottonwood Heights as follows:

Section 1. **Approval of Agreement.** The form, terms and provisions of the Agreement are hereby approved in substantially the form attached to this resolution (this “*Resolution*”), with such insertions, omissions and changes as shall be approved by the City’s mayor in consultation with the City’s manager and attorney. The execution of the Agreement shall be conclusive evidence of such approval, and the City’s mayor and recorder are hereby authorized and directed to execute and deliver the Agreement on the City’s behalf to the other parties thereto.

Section 2. **Other Actions Authorized.** The City’s officers and employees shall take all actions necessary or reasonably required to carry out, give effect to and consummate the transactions

contemplated thereby, including, without limitation, the execution and delivery of acceptance certificates, IRS forms and any tax certificate and agreement and all other documents as contemplated in the Agreement. The City's officers and employees are further authorized and directed to take all actions necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement.

Section 3. **No General Liability.** Nothing contained in this Resolution, the Agreement, or any related document or instrument shall be construed with respect to the City as incurring a pecuniary liability or charge upon the general credit of the City or against its taxing power, nor shall the breach of any agreement contemplated by this Resolution, the Agreement, or any related documents or instrument impose any pecuniary liability upon the City or any charge upon its general credit or against its taxing power, except to the extent that the rental payments or purchase payments payable under the Agreement are special limited obligations of the City as provided in the Agreement.

Section 4. **Appointment of Authorized Representatives.** The City's manager and the manager's designee in writing from time to time are hereby designated to act as authorized representatives of the City for purposes of the Agreement until such time as the Council designates any other or different authorized representative(s) for purposes of the Agreement.

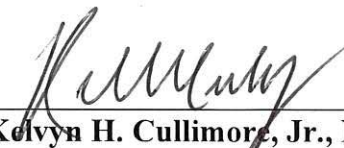
Section 5. **Severability.** If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Resolution.

Section 6. **Repealer.** All orders and resolutions or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any order, resolution or ordinance or part thereof.

This Resolution, assigned no. 2016-58, shall take effect immediately upon passage.

**PASSED AND APPROVED** this 12<sup>th</sup> day of July 2016.

**COTTONWOOD HEIGHTS CITY COUNCIL**

By  \_\_\_\_\_  
**Kolvyn H. Cullimore, Jr., Mayor**

**ATTEST:**

 \_\_\_\_\_  
**Paula Melgar, Recorder**



**VOTING:**

Kelvyn H. Cullimore, Jr.	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Michael L. Shelton	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
J. Scott Bracken	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Michael J. Peterson	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Tee W. Tyler	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>

**DEPOSITED** in the office of the City Recorder this 12<sup>th</sup> day of July 2016.

**RECORDED** this 12 day of July 2016.