

ORDINANCE 2022-26

AN ORDINANCE OF THE CITY OF FRUITA, COLORADO APPROVING A LONG-TERM LEASE WITH ALL COPY PRODUCTS, INC. FOR A COPIER SYSTEM AND RELATED SERVICES AT THE FRUITA CIVIC CENTER AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT

WHEREAS, the City has determined it is in its best interest to upgrade the copy system (the “System”) currently utilized at the Fruita Civic Center; and

WHEREAS, the City solicited bids for a new System; and

WHEREAS, the City has determined it is in the best interest of the City to enter into an agreement with All Copy Products, Inc., attached hereto and incorporated herein, for the lease of the System and ongoing service and maintenance of the System (the “Agreement”); and

WHEREAS, the Agreement provides the City shall lease the system by making sixty (60) equal monthly payments for the use of the System; and

WHEREAS, pursuant to Article 8.25 of the City’s Home Rule Charter, the Council may enter into long-term rental or leasehold agreements by ordinance, and such payments may be made by general appropriations, by imposition of usage fees on the rental of leasehold property, or a combination of both general appropriations and usage fees; and

WHEREAS, the City Council has determined entering into the Agreement is in the best interest of the City and desires to enter into said Agreement.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, THAT:

Section 1. **Approval of Agreement.** The City Council hereby approves of the Agreement and, subject to annual appropriation, payment required thereunder, and hereby authorizes the City Manager execute the Agreement and take all other steps necessary to effectuate its implementation.

Section 2. **Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The City Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the City.

Section 3. **Effective Date.** This Ordinance shall take effect thirty days after the date of final passage in accordance with Section 6.4 of the Fruita Home Rule Charter.

Section 4. **Safety Clause.** The City Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the City of Fruita, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 5. **No Existing Violation Affected.** Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

Section 6. **Publication.** The City Clerk is ordered to publish this Ordinance in accordance with Article 2.13 of the Fruita City Charter.

PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL

THIS 18TH DAY OF OCTOBER, 2022

ATTEST:

CITY OF FRUITA

Margaret Sell, City Clerk

Joel Kincaid, Mayor

EXHIBIT A