

CITY OF CLAYTON, OHIO

RESOLUTION NO. R – 03 – 19 - 21

A RESOLUTION AMENDING RESOLUTION NO. R-02-19-12 TO RESCIND THAT PORTION THEREOF AUTHORIZING FINANCING THROUGH FIRST FINANCIAL BANK RELATIVE TO PURCHASE OF GOLF COURSE EQUIPMENT AND FURTHER APPROVING A FOUR-YEAR LEASE-PURCHASE AGREEMENT IN A PRINCIPAL AMOUNT OF \$226,294.39 WITH CENTURY EQUIPMENT (DE LAGE LANDEN) FOR SAID GOLF COURSE EQUIPMENT

WHEREAS, the City of Clayton (the “Municipality”) is a political subdivision of the State of Ohio (the “State”) and is duly organized and existing pursuant to the Constitution and laws of the State; and

WHEREAS, pursuant to applicable law, the City Council as governing body of the Municipality (the “Governing Body”) is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interest in property, leases and easements necessary to the functions or operations of the Municipality; and

WHEREAS, the Governing Body hereby finds and determines that the execution of a Lease-Purchase Agreement (“Lease”) in the principal amount not exceeding the amount stated above for the purpose of acquiring the property stated herein to be described in the Lease is appropriate and necessary to the functions and operations of the Municipality; and

WHEREAS, via adoption of Resolution No. R-02-19-12 on February 21, 2019, Council approved a purchase from Century Equipment whereby the City would purchase golf course equipment via Century Equipment to include a greens mower, fairway mower, bunker machine, sprayer, blower, utility workman cart, and loader tractor at the total state bid price of \$226,294.39 for use at Meadowbrook at Clayton; and

WHEREAS, Section 1 of Resolution R-02-19-12 further authorized the City Manager to finance the purchase through First Financial Bank for a period of four (4) years at an interest rate of 3.99%; and

WHEREAS, the Finance Director has recommended that, based on First Financial Bank’s treatment of the financing agreement as a bond issuance, the City Council rescind approval for financing with First Financial Bank; and

WHEREAS, the Finance Director further recommends the City Manager be authorized to finance the purchase of the aforementioned golf course equipment with Century Equipment (De Lage Landen), for a period of four (4) years at an APR interest rate of 4.01%.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper

Date of publication

Englewood Independent March 10, 2019


CLERK

Ref: R.C. 125.04

Section 1. That the portion of Resolution No. R-02-19-12 authorizing the City Manager to finance the purchase of the aforementioned golf course equipment through First Financial Bank be and hereby is rescinded.

Section 2. The City Manager acting on behalf of the Municipality, is hereby authorized to negotiate, enter into, execute, and deliver a Lease for the purchase of golf course equipment via Century Equipment to include a greens mower, fairway mower, bunker machine, sprayer, blower, utility workman cart, and loader tractor at a purchase/lease price in the principal amount of \$226,294.39 payable over a period of four years at an effective interest rate of 4.01% as the City Manager deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Lease are hereby authorized.

Section 3. By a written instrument signed by the City Manager, said City Manager may designate specifically identified officers or employees of the Municipality to execute and deliver agreements and documents relating to the Lease on behalf of the Municipality.

Section 4. The aggregate original principal amount of the Lease shall not exceed the amount stated above and shall bear interest as set forth in the Lease and the Lease shall contain such options to purchase by the Municipality as set forth therein.

Section 5. The Municipality's obligations under the Lease shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Lease and the Municipality's obligations under the Lease shall not constitute general obligations of the Municipality or indebtedness under the Constitution or laws of the State.

Section 6. As to each Lease, the Municipality reserves the right to consider for approval at a future date the issuance of not more than \$10,000,000 of tax-exempt obligations (other than "private activity bonds" which are not "qualified 501(c)(3) bonds") during the fiscal year in which each such Lease is issued and hereby designates each Lease as a qualified tax-exempt obligation for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended.

ADOPTED BY COUNCIL ON MARCH 7, 2019.

AUTHENTICATION:



Mayor (Presiding Officer of Council)



Clerk of Council

APPROVED AS TO FORM:



Law Director