

RESOLUTION NO. 2141

A RESOLUTION AUTHORIZING THE TAX EXEMPT MUNICIPAL EQUIPMENT LEASE FINANCE AGREEMENT FOR A NEC UNIVERGE SV8100 TELEPHONE COMMUNICATIONS SYSTEM EQUIPMENT.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The relocation of city operations from the existing City Hall will require several additional physical locations.
2. And as such a true and very real need exists for the acquisition of the Equipment described in the Lease Agreement as of this date, and presented at this meeting, to enable communications necessary for the effective delivery of city services,
3. And has further determined that the Equipment will be used solely for essential governmental communications functions and not for private business use; and
4. Acquisition of the Equipment from the incumbent telecommunications provider in compliance with Troutdale Municipal Code procurement provisions is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. Agrees now that the City as Lessee to enter into the Tax-Exempt Lease-Purchase Agreement ("Lease Agreement") in order to finance the lease/purchase acquisition of the equipment (the "Equipment"), for the City's authorized needs and purposes on terms to be determined in accordance with the provisions of the Lease Agreement,

Section 2. And, in order to secure the Lease Agreement pursuant thereto, to grant a first lien security interest in the Equipment financed in accordance with the Lease Agreement.

Section 3. To enable Lessee to finance the lease/purchase acquisition of the Equipment, with the intent that the interest portion of the Rental Payments therefore be excluded from gross income for federal income tax purposes and,

Section 4. And to make payments, as set forth in the Lease Agreement sufficient to pay both the principal and interest portion of the Rental Payments, including disbursing any funds necessary for implementation.

Section 5. Designates the City Manager or Finance Director (each a "City Official") or a designee of the City Official, to act on behalf of the City, and without further action by the City Council the City Official is hereby, authorized, empowered and directed to sign on behalf of the city the Lease Agreement, and any and all other required and necessary documents to implement the of the transactions contemplated by the Lease Agreement.

Section 6. The City Official is hereby authorized to execute, acknowledge and deliver in the name and on behalf of Lessee to Lessor, the forms which are in substantial conformity with Exhibit A of the Staff Report, and with such changes as necessary to reflect the specific Equipment to be financed and financing terms applicable, and such other changes as the signing officer shall determine to be advisable.

Section 7. Further, the City Official are authorized to execute, acknowledge and deliver in the name and on behalf of Lessee any other agreement, instrument, certificate, representation, addendums, supporting and implementing documents, and to take any other action as may be advisable, convenient, necessary, or appropriate to give full force and effect to the terms and intent of the Lease Agreement, and the execution thereof by any such City Official shall be conclusive as to such determination.


Section 8. The Finance Director is authorized to disburse funds, subject to annual appropriations, as necessary to fulfill the 36 monthly lease payments totaling an amount not to exceed \$30,000.00, and is further directed to implement all such actions necessary to ensure budgetary compliance.

Section 9. This Resolution shall take effect upon adoption.

YEAS: 7
NAYS: 0
ABSTAINED: 0


Mayor Jim Kight

Date February 29, 2012


Debbie Stickney, City Recorder
Adopted: February 28, 2012