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RESOLUTION NO. 2017-32

RESOLUTION OF THE TOWN OF WHITESTOWN, INDIANA, APPROVING EXECUTION OF EQUIPMENT LEASE DOCUMENTS (Police Vehicles & Equipment)

WHEREAS, the Town of Whitestown, Indiana (the "Town") is a political subdivision of the State of Indiana (the "State") and is duly organized and existing under the Constitution and laws of the State; and

WHEREAS, pursuant to applicable law, the Town Council of the Town (the "Council") 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 Town; and

WHEREAS, the Council has previously approved the acquisition of essential use equipment (the "Equipment") through an existing Master Lease Agreement with Huntington Public Capital (successor to The Huntington National Bank) (the "Master Lease"); and

WHEREAS, the Council has been advised by the Chief of Police of the Town that the Whitestown Metropolitan Police Department (the "Police Department") is in need of six (6) police vehicles and equipment in connection therewith to be used for purposes of the Police Department (collectively, the "2018 Police Vehicles"); and

WHEREAS, the Council has been further advised that it may enter into a lease schedule under the Master Lease (such additional lease schedule together with the Master Lease, the "Lease") in the principal amount not exceeding $315,000 for the purpose of acquiring additional Equipment consisting of the 2018 Police Vehicles which Lease the Council finds appropriate and necessary;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Whitestown, Indiana, as follows:

Section 1. The President of the Council, Clerk-Treasurer of the Town and the Town Manager (each an "Authorized Representative"), acting on behalf of the Town, are hereby authorized, individually and collectively, with the advice of counsel, to negotiate, enter into, execute, and deliver such documents relating to the Lease as the Authorized Representatives deem necessary and appropriate. All other related contracts and agreements necessary and incidental to the Lease are hereby authorized.

Section 2. The aggregate original principal amount of the Lease for the 2018 Police Vehicles as described herein shall not exceed the principal amount of $315,000 and shall bear interest as set forth in the Lease and the Lease shall contain such options to purchase the 2018 Police Vehicles by the Town as set forth therein. The lease of the 2018 Police Vehicles pursuant to the Lease is hereby approved.

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Section 3. The Town's obligations under the Lease for the 2018 Police Vehicles shall be subject to annual appropriation or renewal by the Council as set forth in the Lease for the 2018 Police Vehicles and the Town's obligations under the Lease for the 2018 Police Vehicles shall not constitute a general obligation of the Town or an indebtedness of the Town under the Constitution or laws of the State.

Section 4. The Town reasonably anticipates to issue no more than $10,000,000 of tax-exempt obligations (other than "private activity bonds" which are not "qualified 501(c)(3) bonds") during 2018 and hereby designates the Lease for the 2018 Police Vehicles as a qualified tax-exempt obligation for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended (the "Code").

Section 5. The Town represents that it will rebate any arbitrage profits to the United States in connection with the Lease for the 2018 Police Vehicles as may be required pursuant to the Code.

Section 6. This Resolution shall be effective as of the date of its adoption.

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ADOPTED this 20 day of December, 2017.

TOWN COUNCIL OF
TOWN OF WHITESTOWN, INDIANA

Eric Miller, President

Susan Austin, Council Member

Clinton Bohm, Council Member

Jeff Wishek, Council Member

Kevin Russell, Council Member

ATTEST:

Matt Sumner, Clerk-Treasurer

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