

RESOLUTION NO. 2019-13

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, pursuant to Resolution No. 2018-52 adopted by the Council on November 14, 2018 (the “Original Resolution”), the Town has authorized the acquisition by lease of six (6) police vehicles and equipment in a maximum principal amount not to exceed \$330,000 (collectively, the “2019 Police Vehicles”); and

WHEREAS, in connection with the proposed leasing of certain of such 2019 Police Vehicles, the Council has been advised by the Chief of Police of the Town (the “Chief”) that it is necessary for the Town to enter into certain lease documents with Harley-Davidson Leasing therefor (the “Harley-Davidson Lease Documents”), forms of which have been presented to the Council at the meeting at which this resolution was considered and which were not available at the time of the adoption of the Original Resolution; and

WHEREAS, the Council has been advised that the execution of the Harley-Davidson Lease Documents will not cause the maximum principal amount of \$330,000 authorized by the Original Resolution to be exceeded; and

WHEREAS, the Council finds that the approval of the Harley-Davidson Lease Documents is appropriate and necessary and is consistent with the purpose and intent of the Original Resolution;

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

Section 1. The President of the Council, the Clerk-Treasurer of the Town, the Town Manager and the Chief (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 the Harley-Davidson Lease Documents in such form and manner as the Authorized Representatives deem necessary and appropriate in connection with any of the 2019 Police Vehicles. All other related contracts and agreements necessary and incidental to the lease-purchase of the 2019 Police Vehicles under the terms of the Harley-Davidson Lease Documents are hereby authorized.

Section 2. In accordance with the terms of the Original Resolution, any lease-financing under the Harley-Davidson Lease Documents shall not exceed in aggregate the principal amount of \$330,000 and with a term not exceeding three (3) years, taking into account any other lease-financings entered into by the Town pursuant to the Original Resolution. The lease of any of the 2019 Police Vehicles pursuant to the Harley-Davidson Lease Documents is hereby approved.

Section 3. The Town's obligations under the lease for any of the 2019 Police Vehicles under the Harley-Davidson Lease Documents shall be subject to annual appropriation or renewal by the Council as set forth therein and the Town's obligations under the lease for such 2019 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 represents that it will rebate any arbitrage profits to the United States in connection with the lease for any 2019 Police Vehicles under the terms of the Harley-Davidson Lease Documents as may be required pursuant to the Internal Revenue Code of 1986, as amended.

Section 5. This Resolution shall be effective as of the date of its adoption.

ADOPTED this 14th day of May, 2019.

TOWN COUNCIL OF
TOWN OF WHITESTOWN, INDIANA

Clinton Bohm, President

Susan Austin, Vice-President

Eric Miller, Council Member

Kevin Russell, Council Member

Jeff Wishek, Council Member

ATTEST:

Matt Sumner, Clerk-Treasurer