

## RESOLUTION 07-2018

**A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; PERTAINING TO THE ACQUISITION OF A 2018 GRADALL XL4300 w/ 60" DREDGING BUCKET; AUTHORIZING THE TOWN TO ENTER INTO A MUNICIPAL LEASE AGREEMENT WITH BRANCH BANKING AND TRUST TO PROVIDE THE FUNDS REQUIRED TO SECURE THIS ACQUISITION; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, The Town desires to enter into a municipal lease agreement with Branch Banking and Trust (BB&T) for the funds necessary to secure the acquisition of a 2018 Gradall XL4300 w/ 60" dredging bucket from Great Southern Equipment Company; and

**WHEREAS**, Town Council has determined that a true and real need exists for the acquisition of the Equipment described in the Lease-Purchase Agreement and determined that the Equipment will be used solely for essential governmental functions and not for private business use.

**WHEREAS**, The Town of Malabar has taken the necessary steps to ensure compliance with legal bidding requirements, under applicable law to arrange for the acquisition of such Equipment; and

**NOW, THEREFORE BE IT RESOLVED BY THE TOWN OF MALABAR OF BREVARD COUNTY, FLORIDA that;**

### **SECTION 1.**

**PROPOSAL.** The Town Council hereby determines to finance the Project through Branch Banking and Trust Company (BB&T) in accordance with the proposal dated July 16, 2018. The amount financed shall not exceed \$316,662.00, the annual interest rate shall not exceed 3.59%, and the financing term shall not exceed ten (10) years from closing.

### **SECTION 2.**

**FUNDING.** The Town Council hereby authorizes the Mayor to execute the municipal lease agreement with Branch Banking and Trust, for a ten (10) year term. The Financing Documents shall be consistent with the forgoing terms. The Financing Documents shall be in such final form as the Town of Malabar and the Branch Banking and Trust Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery to constituting conclusive evidence of such officer's final approval of the Document's final form.

### **SECTION 3.**

**INTERNAL REVENUE CODE.** The Town shall not take or omit to take any action which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the purchase of the Gradall from the proceeds of the BB&T financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's General Fund or any other Town fund related to purchase may

be reimbursed from the financing proceeds.

All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed.

**SECTION 4.**

CONFLICT. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

**SECTION 5.**

EFFECTIVE DATE. This Resolution shall take effect immediately upon passage.

This Resolution was moved for adoption by Council Member Korn. The motion was seconded by Council Member White and, upon being put to a vote, the vote was as follows:

Council Member Grant Ball	<u>Aye</u>
Council Member Laura Mahoney	<u>Nay</u>
Council Member Steve Rivet	<u>Aye</u>
Council Member Dick Korn	<u>Aye</u>
Council Member Danny White	<u>Aye</u>

This Resolution was then declared to be duly passed and adopted this 16th day of July 2018.

TOWN OF MALABAR

By:

Patrick T. Reilly  
Mayor Patrick T. Reilly

ATTEST:

Debby K. Franklin  
Debby K. Franklin  
Town Clerk/Treasurer

Approved as to Form and Content:

Karl W. Bohne, Jr.  
Karl W. Bohne, Jr., Town Attorney

