

RESOLUTION NO. 2019-32

A RESOLUTION OF THE CITY OF MCMINNVILLE, OREGON AUTHORIZING THE EXECUTION AND DELIVERY OF ONE OR MORE LEASE PURCHASE, LOAN OR SIMILAR AGREEMENTS.

WHEREAS, the City Council (the "City Council") of the City of McMinnville, located in Yamhill County, Oregon (the "City") has deemed it advisable to finance the costs of certain vehicles and emergency communications equipment (collectively, the "Project") through one or more lease purchase, loan or similar agreements (collectively, the "Agreement"); and

WHEREAS, the City desires to enter into the Agreement in a principal amount not to exceed \$390,000.00; and

WHEREAS, the City is authorized pursuant to the Constitution and laws of the State of Oregon, namely Oregon Revised Statutes Section 271.390, to enter into such agreements to finance real and personal property projects so long as the estimated weighted average life of the Agreement does not exceed the dollar weighted average life of the Project being financed with the Agreement; and

WHEREAS, the City anticipates incurring expenditures (the "Expenditures") to finance the costs of the Project, described herein, and wishes to declare its official intent to reimburse itself for any Expenditures it may make from its available funds on the Project from the proceeds of the Agreement, the interest on which shall be excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the City Council has determined that those moneys advanced to pay the Expenditures prior to the issuance of the Agreement are available only for a temporary period and it is necessary to reimburse the City for the Expenditures from the proceeds of the Agreement.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. Determination of Need. The City hereby determines that the Project is needed.
2. Authorization. The City hereby authorizes the City Manager (an "Authorized Representative"), on behalf of the City and without further action by the City Council, to negotiate the terms of the Agreement, in an aggregate principal amount not to exceed \$390,000.00, with one or more banks or other financial institutions or vendors, to further select and delineate the particulars of the Project, to secure the borrowing as provided in the Agreement, including provision of a security interest in the Project and any amounts appropriated to pay the Agreement, and to execute and deliver the Agreement and any related documentation necessary to carry out this Resolution to complete the financing.
3. Compliance with Section 64 of the City Charter. So long as the Agreement is outstanding, the City will to maintain sufficient unrestricted funds at all times to pay the outstanding principal amount of the Agreement, plus accrued interest on the Agreement.
4. Declaring Intent to Reimburse Expenditures. The City hereby declares its official intent pursuant to Treasury Regulation Section 1.150-2 to reimburse itself for Expenditures of the Project paid prior to the issuance of the Agreement with proceeds of the Agreement.

4. Effective Date. This resolution is effective immediately upon adoption.

ADOPTED by the Common Council of the City of McMinnville at the regular meeting held the 14th day of May, 2019 by the following votes:

Ayes: Drabkin, Garvin, Geary, Menke, Peralta, Stassens

Nays: _____

Approved this 14th day of May, 2019.



MAYOR

Approved as to form:



CITY ATTORNEY