

RESOLUTION 09-03

RESOLUTION FOR FIRE DEPARTMENT EQUIPMENT LEASE

WHEREAS, The City of Westfield, (“City”) is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council (“Council”); and,

WHEREAS, the Council (the “Lessee”) has determined that in order for the Lessee to better accomplish its public purposes, the Lessee needs to acquire the use of the Equipment described in the schedule attached to or set forth in the Equipment Lease-Purchase Agreement (the “Lease”) attached hereto, and

WHEREAS, the Lessee has determined that the most economical and efficient means of acquiring the use of said Equipment is pursuant to a lease-purchase of the equipment; and.

WHEREAS, a copy of the Lease has been presented to, considered and approved by the Council of the Lessee

NOW, THEREFORE, BE IT RESOLVED by the Westfield City Common Council meeting in session as follows:

Section I. The Lessee is hereby authorized to enter into the Lease between the Lessee and Regions Equipment Finance Corporation, as lessor, with all riders, certificates, schedules, and amendments thereto, substantially in the form attached hereto, and the execution and delivery of the Lease is hereby approved, authorized, ratified and confirmed.

Section II. The Fire Chief or his designate, is hereby authorized to execute and deliver the Lease on behalf of the Lessee in substantially the form presented to the Council of the Lessee at this meeting with such changes or additions thereto or deletions there from as the officer executing the same shall approve, which approval shall be conclusively evidenced by his or her execution of the Lease. The Fire Chief is hereby authorized to execute and deliver on behalf of the Lessee such agreements, indemnities, purchase orders, leases, bills of sale, certificates or other instruments or obligations as they or any one of them may deem

necessary or appropriate to the accomplishment of the Lease, and the execution and delivery of any such agreement, instrument or obligation prior to the date hereof by any such officer is in all respects hereby confirmed, ratified and approved. The Clerk-Treasurer is hereby authorized and directed to affix the corporate seal to such instruments and to attest the same, if necessary.

Section III. The proper officers of the Lessee are authorized and directed to do or cause to be done all such other acts and things, to make all payments, including rent payments, required pursuant to the Lease and related documents, and to execute all such documents, certificates and instruments as in his, her or their judgment may be necessary or advisable in order to carry out the foregoing Resolutions and the Lessee's obligations under the Lease, or any amended, renewed or supplemental lease; and all actions heretofore taken by the officers of the Lessee in connection with the acquisition of the Equipment and negotiation of the Lease are hereby approved, ratified and confirmed in all respects.

Section IV. The Lessee hereby designates the Lease to be a "qualified tax exempt obligation" under the provisions of Section 265(b)(3) of the Internal Revenue Code, as amended.

Section V. This resolution shall be in full force and effect immediately and in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All resolutions or parts thereof that are in conflict herewith are hereby ordered repealed. Any portion of this resolution later deemed invalid shall not operate to invalidate the remaining portions.

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ALL OF WHICH IS RESOLVED THIS _____ DAY OF _____ 2009.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

John Dippel

John Dippel

John Dippel

Bob Horkay

Bob Horkay

Bob Horkay

Ken Kingshill

Ken Kingshill

Ken Kingshill

Bob Smith

Bob Smith

Bob Smith

Thomas Smith

Thomas Smith

Thomas Smith

Rob Stokes

Rob Stokes

Rob Stokes

Steven Hoover

Steven Hoover

Steven Hoover

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that RESOLUTION 09-03 was delivered to the Mayor of Westfield
on the _____ day of _____, 2009, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE RESOLUTION 09-03

this _____ day of _____, 2009.

J. Andrew Cook, Mayor

I hereby VETO RESOLUTION 09-03

this _____ day of _____, 2009.

J. Andrew Cook, Mayor

This document prepared by
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Fire Equipment Lease