

## RESOLUTION 07-19-01

### A RESOLUTION OF THE CITY OF HARTSVILLE TO AUTHORIZE A LEASE-PURCHASE FINANCING IN AN AMOUNT NOT EXCEEDING THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000), AND OTHER MATTERS RELATING THERETO.

**WHEREAS**, the City of Hartsville, South Carolina (the “*City*”) is a municipal corporation of the State of South Carolina, located in Darlington County, South Carolina, and as such possesses all general powers granted to municipal corporations;

**WHEREAS**, the City has determined that the need exists to acquire various trucks and equipment, all generally described on Exhibit A attached hereto (collectively, the “*Equipment*”);

**WHEREAS**, the Equipment is essential to the operations of the City;

**WHEREAS**, the Equipment shall be acquired by and titled (as applicable) in the name of the City; and

**WHEREAS**, the City has determined to negotiate with financial institutions and receive proposals to finance the Equipment.

#### **BE IT THEREFORE RESOLVED**, as follows:

1. The City hereby determines to finance the acquisition of the Equipment (the “*Financing*”). The City hereby authorizes the City Manager of the City (the “*City Manager*”) to negotiate the Financing with certain financial institutions and award the Financing to the lessor that the City Manager, in her sole discretion, determines. To the extent the City Manager has already begun such negotiations, all such actions associated therewith are ratified and approved in their entirety. The Financing may be separated into multiple series of obligations, which may be issued on tax-exempt and/or taxable basis as determined by counsel to the City. The amount of the Financing, including any costs of issuance associated therewith, shall not exceed \$350,000 (the “*Lease Amount*”) and the final Lease Amount, term, closing date, and other material terms for the Financing shall be determined by the City Manager.

2. All financing contracts and all related documents for the closing of the Financing (the “*Financing Documents*”) shall be consistent with the foregoing terms. The City Manager is hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable to carry out the Financing as contemplated by the provisions of this resolution (this “*Resolution*”).

3. The City Manager is hereby directed and authorized to hold executed copies of the Financing Documents until the conditions for delivery of the Financing Documents have been completed to her satisfaction. The Financing Documents shall be in such final forms as the City Manager shall approve, with the City Manager’s release of any Financing Document for delivery

constituting conclusive evidence of such officer's final approval of the final form of any of the Financing Documents.

4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on the Financing to be includable in the gross income for federal tax purposes of the registered owners of the Financing. To the extent the City does not intend to issue more than \$10 million of tax-exempt obligations in calendar year 2019, the City hereby designates the Financing as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

5. The City intends that the adoption of this Resolution will be a declaration of the City's official intent to reimburse expenditures for the Equipment that are to be financed from the proceeds of monies received under the Financing.

6. The City understands that certain costs of issuance are associated with the Financing and the City covenants and agrees that all such costs will be timely paid upon the closing of the Financing Documents and may be included in the Lease Amount.

7. All prior actions of City officers in furtherance of the purposes of this Resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this Resolution are hereby repealed, to the extent of the conflict. This Resolution shall take effect immediately.

**DONE, RATIFIED AND ADOPTED** this 9th day of July, 2019.

**CITY OF HARTSVILLE,  
SOUTH CAROLINA**

(SEAL)

\_\_\_\_\_  
Carl M. (Mel) Pennington IV, Mayor

Attest:

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Sherron L. Skipper, City Clerk

**EXHIBIT A**

**Description of Vehicles/Equipment**

Combined Utility and Waterpark Items

Camera Trailer

General Fund and Public Safety Items

Sanitation Truck

Truck for Fire Department