

## ORDINANCE 04-2021

### **AN ORDINANCE TO ENTER INTO AN AGREEMENT WITH PNC EQUIPMENT FOR THE FINANCING OF A FIRE TRUCK IN THE AMOUNT OF \$875,680.00; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.**

**WHEREAS**, the City of Haskell is a political subdivision of the State of Arkansas in which the City of Haskell is located and is duly organized and existing pursuant to the Constitution and laws of the State.

**WHEREAS**, pursuant to applicable law, and specifically pursuant to Arkansas Code Annotated §§ 14-78-101 *et seq.*, and Arkansas Constitution, Amendment 78, the governing body of the City of Haskell 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 City of Haskell.

**WHEREAS**, the City of Haskell hereby finds and determines that the execution of one or more Master Lease-Purchase Agreements (“Leases”) in the principal amount not exceeding the amount stated above for the purpose of acquiring the property (“Equipment”) to be described in the Leases is appropriate and necessary to the functions and operations of the Municipality.

**WHEREAS**, PNC Equipment Finance, LLC (“Lessor”) shall act as Lessor under said Leases.

#### **NOW, THEREFORE, Be It Ordained by City of Haskell:**

**Section 1.** The Mayor (“Authorized Representative”) acting on behalf of the City of Haskell, is hereby authorized to negotiate, enter into, execute, and deliver one or more Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Municipality. The Authorized Representative acting on behalf of the Municipality is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Lease as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Leases are hereby authorized.

**Section 2.** By a written instrument signed by the Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the City of Haskell to execute and deliver agreements and documents relating to the Leases on behalf of the City of Haskell.

**Section 3.** The aggregate original principal amount of the Leases shall not exceed the amount stated above and shall bear interest as set forth in the Leases and the Leases shall contain such options to purchase by the City of Haskell as set forth therein. At the time of issuance, the aggregate principal amount of short-term financing obligations, including the obligations to be issued, outstanding and unpaid, will equal five percent (5%) or less of the assessed value of taxable property located within the City of Haskell as

determined by the last tax assessment completed prior to the issuance of the obligations to be issued.

**Section 4.** The City of Haskell’s obligations under the Leases shall be subject to annual appropriation or renewal by the City of Haskell as set forth in each Lease and the City of Haskell’s obligations under the Leases shall not constitute general obligations of the City of Haskell or indebtedness under the Constitution or laws of the State.

**Section 5.** As to each Lease, the City of Haskell reasonably anticipates to issue not more than \$10,000,000 of tax-exempt obligations (other than “private activity bonds” which are not “qualified 501(c)(3) bonds”) during the current calendar year in which each such Lease is issued and hereby designates each Lease as a qualified tax-exempt obligation for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended.

**Section 6.** All ordinances and resolutions and parts thereof in conflict with the provisions this ordinance are hereby repealed to the extent of such conflict, but not otherwise.

**Section 7.** The City Council has determined that it is necessary for the public safety to complete the lease to purchase the new Fire Truck and place it into service as soon as possible. Therefore, an emergency exists, and this ordinance is necessary for the preservation of the public peace, health and safety. It shall be in full force and effect immediately from and after its passage and approval.

**ADOPTED AND APPROVED on this \_\_\_\_\_, 2021.**

Attest:

Approved:

\_\_\_\_\_  
Jennifer Hill  
Clerk/Recorder/Treasurer

\_\_\_\_\_  
Roy Carman  
Mayor

The undersigned Secretary/Clerk of the above-named Municipality hereby certifies and attests that the undersigned has access to the official records of the Governing Body of the Municipality, that the foregoing ordinance was duly adopted by said Governing Body of the Municipality at a meeting of said Governing Body and that such ordinance has not been amended or altered and is in full force and effect on the date stated below.

LESSEE: City of Haskell, Arkansas

\_\_\_\_\_  
Signature of Secretary/Clerk of Municipality

[SEAL]

Print Name: \_\_\_\_\_

Official Title: \_\_\_\_\_

Date: \_\_\_\_\_