

RESOLUTION NO. 78-2015 (as amended 12-1-2015)

Offered by All of Council

A RESOLUTION AUTHORIZING THE MAYOR AND THE FINANCE DIRECTOR TO ENTER INTO A MUNICIPAL LEASE PURCHASE AGREEMENT WITH MOTOROLA SOLUTIONS FOR RADIOS AND RELATED EQUIPMENT UNDER THE STATE COOPERATIVE PURCHASING PROGRAM, FOR USE BY VILLAGE SAFETY FORCES AND SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY

WHEREAS, the Village of Richfield is a member of the Ohio Department of Administrative Services State Cooperative Purchasing Program; and

WHEREAS, upon recommendation of the Village's Fire and Police Chiefs, the Village wishes to enter into a municipal lease purchase agreement for new mobile and portable radios and related equipment under the State Cooperative Purchasing Program (Contract No. 573077-0-1) for use by the Village's safety forces and Service Department to replace the current radios which are obsolete and will no longer be supported by the manufacturer as of 2018; and

WHEREAS, under Section 141.03(f)(1) of the Codified Ordinances of the Village, Council may waive competitive bidding for expenditures of \$50,000 or more when purchases are made under the State Cooperative Purchasing Program under Ohio Revised Code Section 125.04.

NOW THEREFORE, BE IT RESOLVED by the Council of the Village of Richfield, Summit County, State of Ohio:

- SECTION 1. That the Mayor and the Finance Director be, and they hereby are, authorized and directed to enter into a municipal lease purchase agreement with Motorola Solutions, based upon the quote attached hereto as Exhibit A, for the lease and purchase of new mobile and portable radios and related equipment under the State Cooperative Purchasing Program in an amount not to exceed \$430,000.00.
- SECTION 2. That the requirement for competitive bidding is waived pursuant to Section 141.03(f)(1) of the Codified Ordinances of the Village.
- SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.
- SECTION 4. This Resolution is hereby declared to be an emergency measure necessary for the preservation of the public health, safety and welfare of the residents of the Village of Richfield, County of Summit, State of Ohio and for the further purpose of allowing the purchase to proceed at the earliest possible time in order to realize

the fiscal savings and operational benefits of the new radios and related equipment for the Village's safety forces and Service Department and to improve services to residents at the earliest possible time; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 12-1-15

*Rick D'Adda*  
President of Council

*Basilio Basler*  
Mayor

Dated: 12/1/15

ATTEST:

*Bridget E. Sullivan*  
Clerk of Council

Date: November 27, 2015

Financing proposal for: **Village of Richfield, OH**  
 Communications System Financing Proposal

Motorola Solutions Credit Company LLC is pleased to submit the following proposal for the financing of your Motorola Communications solution in accordance with the terms and conditions outlined below:

**Transaction Type:** Municipal Lease-Purchase Agreement  
**Lessor:** Motorola Solutions, Inc. (or its Assignee)  
**Lessee:** Village of Richfield, OH  
**Amount:** \$425,138.20  
**Down Payment:** \$0.00  
**Balance to Finance:** \$425,138.20  
**Equipment:** As per the Motorola equipment proposal.  
**Title:** Title to the equipment will vest with the Lessee.  
**Insurance:** Lessee will be responsible to insure the equipment as outlined in the lease contract.  
**Taxes:** Personal property, sales, leasing, use, stamp, or other taxes are for the account of the Lessee.

	<u>Option One</u>	<u>Option Two</u>	<u>Option Three</u>
<b>Lease Term:</b>	Three Years	Five Years	Seven Years
<b>Payment Frequency:</b>	Annual	Annual	Annual
<b>Payment Structure:</b>	Arrears	Arrears	Arrears
<b>Lease Rate:</b>	3.23%	3.25%	3.41%
<b>Lease Factor:</b>	0.355095	0.219916	0.162996
<b>Lease Payment:</b>	\$150,964.37	\$93,494.52	\$69,295.67
<b>Payment Commencement:</b>	First payment due ERROR! one year after contract execution.		ERROR!

**Expiration:** This above lease rates and factors are valid for all leases commenced by 12/18/2015

**Qualifications:** Receipt of a properly executed documentation package.  
 Lessee qualifies as a political subdivision or agency of the State as defined in the Internal Revenue Code of 1986. The interest portion of the Lease Payments shall be excludable from the Lessor's gross income pursuant to Section 103 of the Internal Revenue Code.  
 Receipt of a copy of the last years audited financial statements and current year's budget from the Lessee.  
 This proposal should not be construed as a commitment to finance. It is subject to final Motorola credit committee approval. This quote is based on the general level of interest rates, primarily U.S. Treasury Bills of like term maturity. Any movement in those rates in excess of 10 basis points will result in the revision of this quote.

LESSEE CERTIFIES THAT IT HAS DESIGNATED THIS LEASE AS A QUALIFIED TAX-EXEMPT OBLIGATION IN ACCORDANCE WITH SECTION 265(b)(3) OF THE CODE, THAT IT HAS NOT DESIGNATED MORE THAN \$10,000,000 OF ITS OBLIGATIONS AS QUALIFIED TAX-EXEMPT OBLIGATIONS IN ACCORDANCE

**Documentation:** Municipal Equipment Lease Purchase Agreement  
 Opinion of Counsel  
 Schedule A / Equipment List  
 Schedule B / Amortization Schedule  
 8038G  
 UCC-1  
 Certificate of Incumbency  
 Statement of Essential Use/Source of Funds  
 Evidence of Insurance or Statement of Self Insurance  
 Resolution from governing body authorizing the execution of the Lease

Please feel free to contact me if there are any questions or if an alternate structuring is required.

Regards,  
 Bill Stancik  
 Motorola Customer Financing  
 847-538-4531