

**RESOLUTION NO. R-2018-2**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER,  
TEXAS, AUTHORIZING THE LEASE PURCHASE OF SELF-  
CONTAINED BREATHING APPARATUS (SCBA); APPROVING  
FINANCING TERMS; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS:** The City of Tyler, Texas (the "City") has previously determined to undertake a project for the purchase of breathing apparatus equipment (the "Project"), and the City finance director has now presented a proposal for the financing of such Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:**

**PART 1:** That the City hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated December 21, 2017. The amount financed shall not exceed \$400,000, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.81% and the financing term shall not exceed seven (7) years from closing.

**PART 2:** That all financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are 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 of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Lease Purchase Agreement and a Project Fund Agreement as BB&T may request.

**PART 3:** That the City finance director is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The City finance director is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the City finance director shall approve, with the City finance director's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

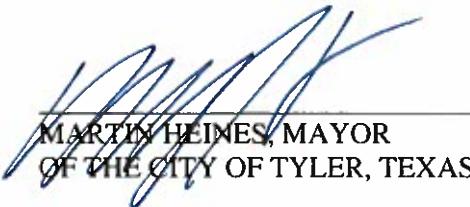
**PART 4:** That the City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

**PART 5:** That the City intends that the adoption of this resolution will be a declaration of the City's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City's general fund, or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds.

**PART 6:** That 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.

**PART 3:** That this Resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED** this 14<sup>th</sup> day of February, A.D., 2018.



MARTIN HEINES, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK



APPROVED:



DEBORAH G. PULLUM,  
CITY ATTORNEY