



Commission Memorandum

REPORT TO: Honorable Mayor and City Commission

FROM: John Van Delinder, Street Superintendent
Anna Rosenberry, Assistant City Manager

SUBJECT: Resolution 5047, Authorizing the Lessee's Authorization Resolution required for the Lease with Merchants Bank Equipment Finance.

MEETING DATE: June 17, 2019

AGENDA ITEM TYPE: Consent

RECOMMENDATION: Authorize the City Manager to sign the Lessee's Authorization Resolution required by the Leasing Company, Merchants Bank.

BACKGROUND: The lease was approved at the May 20th, 2019 Commission Meeting, and the Lessee's Authorization Resolution is needed as a ministerial procedure as part of the vendor's requested process.

UNRESOLVED ISSUES: None

ALTERNATIVES: None

FISCAL EFFECTS: : This item is in the FY19 Street Maintenance CIP and approved FY19 budget and was approved by the City Commission on May 20, 2019

Attachments: Resolution 5047 and Lessee's Authorization Resolution form

Report compiled on: June 4, 2019



RESOLUTION NO. 5047

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN THE LESSEE'S AUTHORIZATION RESOLUTION FROM MERCHANTS BANK EQUIPMENT FINANCE.

WHEREAS, the City Commission approved the lease of a 2019 Elgin Broom Bear Sweeper from Merchants Bank Equipment Finance on May 20, 2019.

WHEREAS, the Lessee's Authorization Resolution is a required document from Merchants Bank Equipment Finance that needs to be signed and returned to them in order to complete the lease paperwork.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Bozeman, Montana:

Section 1

The City Commission hereby authorizes the City Manager to sign the Merchants Bank Equipment Finance Lessee's Authorization Resolution and have the document returned to them to complete the approved lease.

PASSED, ADOPTED, AND APPROVED by the City Commission of the City of Bozeman, Montana, at a regular session thereof held on the 17th day of June, 2019.

CHRIS MEHL
Deputy Mayor

ATTEST:

ROBIN CROUGH
City Clerk

APPROVED AS TO FORM:

KAREN STAMBAUGH
Acting City Attorney



LESSEE'S AUTHORIZATION RESOLUTION

7600 Parklawn Avenue, Suite 384
Minneapolis, MN 55435

Whereas, City of Bozeman, (the "Governmental Entity"), a body politic and corporate duly organized and existing as a political subdivision, municipal corporation or similar public entity of the State of Montana (the "State"), is authorized by the laws of the State to purchase, acquire and lease personal property for the benefit of the Governmental Entity and its inhabitants and to enter into contracts with respect thereto; and

Whereas, in order to acquire such equipment, the Governmental Entity proposes to enter into a lease-purchase transaction pursuant to that certain governmental Equipment Lease-Purchase Agreement (the "Lease") with Merchants Bank Equipment Finance, a division of Merchants Bank, National Association, the form of which has been presented to the governing body of the Governmental Entity at this meeting;

Section 1. Approval of Documents. The form, terms and provisions of the Lease and all other schedules and exhibits attached thereto are hereby approved in substantially the form presented at this meeting, with such insertions, omissions and changes as shall be approved by counsel of the Governmental Entity or other members of the governing body of the Governmental Entity executing the same, the execution of such documents being conclusive evidence of such approval; and the persons holding the titles listed below or any other officer of the Governmental Entity who shall have the power to execute contracts on its behalf are hereby authorized and directed to execute, acknowledge, countersign and deliver the Lease and all exhibits attached thereto, and the Secretary/Clerk of the Governmental Entity is hereby authorized to attest to the foregoing and affix the seal of the Governmental Entity to such documents.

Section 2. Other Actions Authorized. The officers and employees of the Governmental Entity shall take all action necessary as reasonably required by the parties to the Lease to carry out, give effect to and consummate the transactions contemplated thereby and to take all action necessary to conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Lease.

Section 3. No General Liability. Nothing contained in this Resolution, the Lease, or any other instrument shall be construed with respect to the Governmental Entity as incurring a pecuniary liability or charge upon the general credit of the Governmental Entity or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Lease, or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Governmental Entity or any charge upon its general credit or against its taxing power, except to the extent that the payments payable under the Lease are special limited obligations of the Governmental Entity as provided in the Lease.

Section 4. Authorized Signatories. Following are the true names, correct titles and specimen signatures of the incumbent officers referred to in the foregoing resolution.

Table with 3 columns: Name (Print or Type), Title (Print or Type), Signature. Includes horizontal lines for signature entry.

Section 5. Effective Date. This Resolution shall be effective immediately upon its approval and adoption. This Resolution was adapted and approved on [redacted].

Signature: _____
Secretary/Clerk

Name Printed: _____

Date: _____