

The Town of Upper Marlboro

RESOLUTION: 2019-10
SESSION: Regular Town Meeting
DATE: October 8, 2019

A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO TO ENTER INTO A MASTER LEASE PURCHASE AGREEMENT FOR THE PROCUREMENT OF THREE (3) POLICE VEHICLES AND TO WAIVE THE REQUIREMENTS FOR COMPETITIVE SEALED BIDDING

WHEREAS, pursuant to Section 82–81 (Acquisition, Possession, and Disposal [of Property]) of the Charter of the Town of Upper Marlboro, the Town may acquire real, personal, or mixed property within or without the corporate limits of the Town for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease, convey, or otherwise dispose of or encumber any property belonging to the Town; and

WHEREAS, pursuant to Section 82–44 (Over–Expenditure Forbidden) of said Charter, no officer or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this Charter, and that any contract, verbal or written, made in violation of the Charter shall be null and void, but that nothing in said section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease, or for services for a period exceeding the budget year in which such contract is made when such contract is permitted by law; and

WHEREAS, the Board of Town Commissioners finds that tax-exempt leasing (sometimes referred to as "financing," "lease financing" or "lease purchase") is a financing tool that allows tax-exempt entities to acquire essential use equipment now and pay over time; and that under a tax-exempt lease, title to the equipment passes to the Town at lease signing and the Town owns the equipment at the end of the term with no liens attached, and that there is no residual at the end nor any end-of-lease buyout, and that because the Lessee is tax-exempt, the Lessor is not required to pay federal income taxes on the interest generated by the lease, thus lower financing rates are available; and

WHEREAS, the Board of Town Commissioners recognizes the need to rebuild and properly outfit the Town's Police force to protect the residents and visitors of the Town of Upper Marlboro; and

WHEREAS, the Board of Town Commissioners under Public Safety in the FY 2020 Condensed Budget has appropriated \$60,000 in FY '20 as Line Item 8330.2 (Capital Outlay – Vehicles); and

WHEREAS, the Board of Town Commissioners have deemed it in the best interest of the public safety welfare, and fiscal responsibility to enter into a Master Lease Purchase Agreement with Tax-Exempt Leasing Corp., an Illinois corporation, in the purchase and outfitting of three new police vehicles; and

WHEREAS, pursuant to Section 82–56 (Purchasing and Contracts) of said Charter, all expenditures for contracts and purchases with an anticipated cost of more than ten thousand dollars (\$10,000) shall be subject

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to competitive sealed bidding unless the Board, by unanimous vote of the full Board, finds another method of procurement to be more advantageous; and

WHEREAS, the Board finds that according to Town Ordinance 2011-02, Section 6(a), that Tax-Exempt Leasing Corp. is a unique equipment finance company that provides innovative financing solutions to tax-exempt entities and municipalities nationwide and that this contract may be awarded without competition as the Board of Commissioners has determined and recorded in the minutes of a public meeting, after conducting a good faith review of available sources, that there is only one (1) reasonable source available for the required supply, service or construction item.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO that the above-referenced Master Lease Purchase Agreement, attached hereto and adopted by reference herein, is hereby awarded without competition in accordance with Section 6(a) of Ordinance 2011-02, and approved in accordance with the terms and conditions stated therein; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon passage and that the President/Mayor is authorized to execute the subject Master Lease Purchase Agreement totaling \$119,000 spread over four Town fiscal years with bi-annual payments of \$16,262.45 with the above-referenced Tax-Exempt Leasing Corp., and any related addenda, resolutions, schedules or exhibits thereto pertaining.

PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular public meeting on the 8th day of October, 2019.


ATTEST:

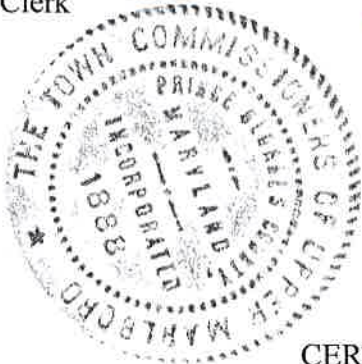
BOARD OF COMMISSIONERS OF THE TOWN
OF UPPER MARLBORO, MARYLAND


M. David Williams, Clerk


Wanda Leonard, President


Kai Bernal-LeClaire, Commissioner


Linda Pennoyer, Commissioner



CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution is in full force and effect and has not been amended or repealed. In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this 8th day of October, 2019.


M. David Williams, Clerk