

RESOLUTION NO. R-2020-0136

A RESOLUTION AUTHORIZING THE NEGOTIATION, EXECUTION, AND DELIVERY OF LEASE AGREEMENT NUMBER 98989778-2 WITH PNC EQUIPMENT FINANCE, LLC AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City of Round Rock, Texas, is a home-rule municipality located at 221 East Main Street, Round Rock, Texas (“Lessee”); and

WHEREAS, Lessee, a body politic and corporate duly organized and existing as a political subdivision, municipal corporation or similar public entity of the State of Texas (“State”) is authorized by the laws of the State to purchase, acquire and lease certain equipment and other property for the benefit of the Lessee and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, pursuant to applicable law, the governing body of the Lessee (“City Council”) is authorized to acquire, dispose of and encumber real and personal property, including without limitation, rights and interest in property, leases and easement necessary to the functions or operation of the Lessee; and

WHEREAS, the City Council hereby finds and determines that the execution of one or more Lease Agreements or lease schedules (“Leases”) in the 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 Lessee; and

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

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK,
TEXAS,**

Section 1. That the Mayor (“Authorized Representative”) acting on behalf of Lessee is hereby authorized to negotiate, enter into, execute, and deliver one or more of the Leases, in substantially the form set forth in Exhibit “A” and presently before the City Council, attached hereto and incorporated herein, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of Lessee 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 an Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of Lessee to execute and deliver agreements and documents relating to the Leases on behalf of the Lessee.

Section 3. The Lessee’s obligations under the Leases shall be subject to annual appropriation or renewal by the City Council as set forth in each Lease and the Lessee’s obligations under the Leases shall not constitute a general obligation of the Lessee or indebtedness under the constitution of the laws of the State of Texas.

Section 4. This Resolution shall take effect immediately upon its adoption and approval.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 28th day of May, 2020.

CRAIG MORGAN, Mayor
City of Round Rock, Texas

The undersigned City Clerk identified below, does hereby certify that I am the duly elected or appointed and acting City Clerk of the above above-named Lessee, a political subdivision duly organized and existing under the laws of the State of Texas where Lessee is located, that I have the title stated below, and that, as of the dates hereof, the individuals named above are duly elected or appointed officers of the Lessee holding the offices set forth opposite their respective names.

The undersigned City Clerk of the above-named Lessee hereby certifies and attests that the undersigned has access to the official records of the City Council of the Lessee, that the foregoing resolutions were duly adopted by said City Council of the Lessee at a meeting of said City Council and that such resolutions have not been amended or altered and are in full force and effect on the date stated below.

Signature of Clerk of Lessee

Print Name: Sara L. White

Official Title: City Clerk

Date: May 28, 2020