

## RESOLUTION R-2017-9

### A RESOLUTION AUTHORIZING THE LEASE AND SUBSEQUENT PURCHASE OF A KUBOTA KX040 E AND DECLARING AN EMERGENCY

**WHEREAS**, Ryan Wagner, Village Administrator of the Village of Windham has informed both the Utility Committee of the Village Council and the full Council that the Utility and Service Departments of the Village of Windham regularly need to use an excavator to maintain utility and street services to the citizens in the Village; and

**WHEREAS**, the safety of the citizens in the Village of Windham will be well served by the purchase of an excavator, as opposed to renting an excavator; and

**WHEREAS**, the Village Administrator has sought and received quotes for the purchase of an excavator and has determined that the quote from Akron Tractor & Equipment, Inc. contains the lowest and best price and financing; and

**WHEREAS**, the Village Administrator has recommended the lease and subsequent purchase of a Kubota KX040 excavator be leased through Baystone Financial Group; and

**WHEREAS**, in compliance with the requirements set forth in Ohio Revised Code 731.141 competitive bidding is required for purchases in excess of \$50,00.00, and since after the Government Discounts the principal purchase price is \$49,689.00 competitive bidding is not required; and

**WHEREAS**, because there are now several pending emergency projects requiring an excavator, including but not limited to repair of the water line from the highest producing Village water well to the water plant, the Council has determined that it is appropriate to address the issue of the acquisition of an excavator now.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Village of Windham, Portage County, State of Ohio, two thirds (2/3) or more of the members thereto concurring that:

SECTION 1: Council finds that in compliance with Ohio Revised Code 731.141 the acquisition of the Kubota KX040 excavator is for a principal amount of \$49,689.00 and as a result competitive bidding is not required.

SECTION 2: Council approves the lease with subsequent right to purchase of a Kubota KX040 excavator all in substantial conformity with Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 3: The Council further finds that appropriate financing is available for the initial lease and the subsequent purchase of the Kubota KX040 excavator identified in

attached Exhibit "A", and authorizes the Mayor and the Fiscal Officer to execute on behalf of the Village financing for a term of three years on terms in substantial compliance those set forth in attached Exhibit "A".

SECTION 4: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were accepted in an open meeting of this Council, and that deliberations of this Council and any of its committees that resulted in such formal actions were in meeting open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 5: The Village Council finds that this Resolution is declared to be an emergency measure, effective immediately upon its passage in order to promote the health, safety and general welfare of the Village and for the further reasons that an excavator is needed to maintain the water supply to the citizens of the Village of Windham.

PASSED IN COUNCIL on first reading this 28th day of March, 2017.

Vote of Council:     Ayes: 5  
                              Nays: 0

ATTEST:

APPROVED:

\_\_\_\_\_  
Cheree Taylor, Fiscal Officer

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Deborah Blewitt, Mayor

APPROVED AS TO FORM:

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Thomas Reitz, Solicitor