

RESOLUTION NO. 88-2021 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT WITH CLUB CAR LLC AND LEASE FINANCING AGREEMENT WITH DE LAGE LANDEN PUBLIC FINANCE LLC FOR THE PURCHASE AND FINANCING OF NEW GOLF CARTS FOR THE MUNICIPAL GOLF COURSE; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE

WHEREAS, the City of Lake Worth Beach, Florida (the "Lessee") is a Florida Municipal Corporation duly organized and existing pursuant to the Constitution and laws of the State of Florida; and

WHEREAS, Lessee is duly authorized by applicable law to acquire such items of personal property as are needed to carry out its governmental functions and to acquire such personal property by entering into lease agreements; and

WHEREAS, through the cooperative purchase agreement offered by Omnia, the Lessee desires to acquire a new fleet of golf carts for its municipal golf course; and

WHEREAS, Lessee hereby finds and determines that the execution of the Purchase Agreement with Club Car LLC and the Lease Finance Agreement with De Lage Landen Public Finance LLC for the purchase and financing of new golf carts as set forth in the Schedule of Payments in the Lease Finance Agreement is appropriate and necessary to the function and operations of the Lessee; and

WHEREAS, the De Lage Landen Public Finance LLC, shall act as Lessor under said Lease Finance Agreement; and

WHEREAS, under the Purchase Agreement, Club Car LLC will provide the golf carts and act as the service provider for the golf carts; and

WHEREAS, because of the lack of appropriations provision in the Lease Finance Agreement, such Agreement shall not constitute a general obligation indebtedness of the Lessee within the meaning of the Constitution and laws of the State; and,

WHEREAS, the City Commission finds the Purchase Agreement and Lease Finance Agreement for the purpose of purchasing and financing golf carts as set forth herein serves a valid public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF LAKE WORTH BEACH, FLORIDA, that:

SECTION 1: The foregoing recitals are incorporated into this resolution as true and correct statements.

SECTION 2: The Mayor and City Clerk are authorized to execute the Purchase Agreement with Club Car LLC (which may also be approved and authorized by Purchase Order) and the Lease Finance Agreement with De Lage Landen Public Finance LLC and any and all legally necessary documents to purchase and finance the golf carts for the municipal golf course.

SECTION 3: The Lessee's obligations under the Lease Finance Agreement shall be expressly subject to annual appropriation by Lessee; and, such obligations under the Lease Finance Agreement shall not constitute a general obligation of Lessee or indebtedness of Lessee within the meaning of the Constitution and laws of the State of Florida.

SECTION 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 5. If any provision of this resolution or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application and to this end the provisions of this resolution are declared severable.

SECTION 6: This resolution shall become effective immediately upon its adoption and approval.

The passage of this resolution was moved by Commissioner 88, seconded by Commissioner 88 and upon being put to a vote, the vote was as follows:

Mayor Betty Resch
Vice Mayor Herman Robinson
Commissioner Sarah Malega
Commissioner Christopher McVoy
Commissioner Kimberly Stokes

The Mayor thereupon declared this resolution duly passed and enacted on the 7th day of December 2021.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk