This resolution was vetoed by the Mayor on April 4, 2008.

RESOLUTION NO. 8052

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., relating to the lease purchase of a helicopter for the Police Department.

WHEREAS, the City has a need for a second Robinson Helicopter; and

WHEREAS, Municipal Services Group, Incorporated, finances lease purchase agreements for municipal purchases; and

WHEREAS, the City desires to enter into a lease purchase agreement with Municipal Services Group, Inc., which will result in the authorization and approval of the lease purchase of a Robinson Helicopter to be financed by Municipal Services Group, Inc., in the amount of eight hundred twenty thousand three hundred seventy-one dollars and ninety cents ($820,371.90) including interest extending for approximately fifty-seven (57) months from the original effective date of the transaction; and

WHEREAS, on December 4, 2007, the Council of the City of Topeka authorized the City Manager to enter into a lease purchase agreement with Municipal Services Group, Inc., to finance the lease purchase of a Robinson Helicopter; and

WHEREAS, on December 6, 2007, the City Manager of the City of Topeka executed said lease purchase agreement which was assigned City of Topeka Contract No. 37914; and

WHEREAS, the cash basis law, K.S.A. § 10-1101, et seq., requires approval by a majority vote of the governing body of the City for any lease purchase agreement entered into which will exceed the City’s current fiscal year; and

WHEREAS, the cash basis law, K.S.A. § 10-1101, et seq., further requires that any such lease purchase agreement state that the municipality is obligated only to pay periodic payments or monthly installments under the agreement as may lawfully be made from (a) funds budgeted and appropriated for that purpose during such municipality’s current
budget year or (b) funds made available from any lawfully operated revenue producing
source; and

WHEREAS, the cash basis law, K.S.A. § 10-1101, et seq., further requires any such
lease purchase agreement shall specify the following: (1) The amount or capital cost
required to purchase the item if paid for by cash, (2) the annual average effective interest
cost, and (3) the amount included in the payments for service, maintenance, insurance or
other charges exclusive of the capital cost and interest cost.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Topeka,
Kansas, that pursuant to K.S.A. § 10-1101, et seq., that the lease purchase agreement
between the City and Municipal Services Group, Inc., in which Municipal Services Group,
Inc., will finance eight hundred twenty thousand three hundred seventy-one dollars and
ninety cents ($820,371.90) including interest for the purchase of a Robinson Helicopter in
accordance with the terms and conditions set forth in the master lease agreement and
individual payment schedule number 2 which are attached hereto and specifically
incorporated herein is hereby authorized and approved.

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is authorized to
execute a lease purchase agreement with Municipal Services Group, Inc. that complies
with KSA 10-1101, et seq. as set forth herein with an effective date of December 6, 2007.

ADOPTED and APPROVED by the City Council April 1, 2008.

CITY OF TOPEKA, KANSAS

ATTEST: William W. Bunten, Mayor

Brenda Younger, City Clerk

This resolution was adopted and approved by the City Council on April 1, 2008.
This resolution was vetoed by the Mayor on April 4, 2008.
On April 15, 2008 the motion to override the Mayor's veto failed by a vote of 6-3-0.
EXHIBIT E

SCHEDULE OF PAYMENTS

Base Interest Rate: 3.84%

U. S. Treasury Note Yield: 3.24%

U. S. Treasury Note Index Percent: 118.52%

Dated Date: November 8, 2007

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Totals: $820,371.90 $740,000.00 $80,371.90

LESSEE: City of Topeka
By: Norton M. Bonaparte, Jr.
Title: City Manager

ATTEND: Benda Younger
CITY CLERK