RESOLUTION 2026-28
MASTER LEASE-PURCHASE NO. CIT8580

A RESOLUTION AUTHORIZING THE NEGOTIATION, EXECUTION, AND DELIVERY OF A MASTER LEASE-PURCHASE AGREEMENT IN THE PRINCIPAL AMOUNT OF $118,368.52, BETWEEN KINETIC LEASING, INC., AS LESSOR, AND CITY OF BROKEN BOW, NEBRASKA, AS LESSEE, UNDER WHICH THE LESSEE WILL LEASE CERTAIN E-RX-SYS-TRUCK- BASIC-HDL, HD SYSTEM WITH VC500 CONTROLLER; AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH.

WHEREAS, City of Broken Bow, Nebraska (the "City") is a City duly organized and existing pursuant to the Constitution and laws of the State of Nebraska, and

WHEREAS, the City Council (the Council) of the City is authorized pursuant to Nebraska law, to purchase and hold real and personal property for the use of the City and to lease any real or personal property, either as lessor or lessee, when deemed by the Council to be in the best interests of the City and its inhabitants; and

WHEREAS, the Council hereby finds and determines that the execution of a Master Lease-Purchase Agreement (the "Equipment Lease") for the purpose of leasing with the option to purchase the equipment designated and set forth in Schedule A to the Equipment Lease is appropriate and necessary to the function and operations of the City; and

WHEREAS, Kinetic Leasing, Inc. (the "Lessor"), duly organized, existing, and in good standing under the laws of the State of North Dakota, shall act as Lessor under the Equipment Lease; and

WHEREAS, the obligation of the City to pay Rental Payments (as defined in the Equipment Lease) shall be from year to year only; shall constitute currently budgeted expenditures of the City; shall not constitute a mandatory charge or requirement in any ensuing budget year; and shall not constitute a general obligation or a multiple fiscal year direct or indirect debt or other financial obligation whatsoever of the City within the meaning of any constitutional or statutory limitation or requirement concerning the creation of indebtedness, nor a mandatory payment obligation of the City in any ensuing fiscal year beyond any fiscal year during which the Equipment Lease shall be in effect; and

WHEREAS, the Equipment Lease shall not directly or indirectly obligate the City to make any payments beyond those appropriated for any fiscal year during which the Equipment Lease shall be in effect and the Equipment Lease shall terminate (or not be renewed) in the event that the City does not appropriate Rental Payments under the Equipment Lease;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CITY OF BROKEN BOW, NEBRASKA:

Section 1. The City Council President, City Treasurer, City Clerk, City Administrator, and Mayor acting on behalf of the City, are hereby authorized to negotiate, enter into, execute, and deliver the Equipment Lease in substantially the form set forth in the document presently before the Council, which document is available for public inspection at the office of the Council President. The City Council President and City Treasurer acting on behalf of the City, are hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment Lease, as the City Council President and City Treasurer upon advice of counsel, deem necessary and appropriate. The City Council President is authorized to execute the Receipt Certificate(s) in form as attached to the Equipment Lease.

Section 2. The Equipment Lease shall be in the principal amount of $118,368.52 bearing interest as set forth in Exhibit B of the Equipment Lease; the Equipment Lease to contain an option to purchase by the City as therein set forth.

Section 3. The obligation of the City to make Rental Payments under the Equipment Lease is subject to annual appropriation by the Council and constitutes an undertaking of the City to make current expenditures. No provision of this resolution or the Equipment Lease shall be construed or interpreted as a delegation of governmental powers or as constituting or giving rise to a general obligation or other indebtedness or a multiple fiscal year direct or indirect debt or other financial obligation of the City within the meaning of any constitutional or statutory debt limitation, of the Nebraska Constitution, nor a mandatory charge or requirement against the City in any ensuing fiscal year beyond the current fiscal year. The City shall have no obligation to make any payment to the Lessor or its assigns except in connection with the payment of the Rental Payments under the Equipment Lease and certain other payments, for which funds have been specifically appropriated and encumbered by the City for such purpose, under the Equipment Lease, which payments may be terminated (and the Equipment Lease not renewed) by the City in accordance with the provisions of the Equipment Lease.

Section 4. The Council hereby determines and declares that (a) the Rental Payments due under the Equipment Lease constitute the fair rental value of the Equipment and do not exceed a reasonable amount; and (b) the leasing of the Equipment pursuant to the Equipment Lease is in the best interests of the City and its inhabitants.

Section 5. All other related contracts and agreements, necessary and incidental to the Equipment Lease are hereby authorized.

Section 6. The City reasonably anticipates to issue not more than $10,000,000 of tax-exempt obligations (other than "private activity bonds" which are not "qualified 501(c)(3) bonds") during the period from January 1, 2026 to December 31, 2026 and hereby designates the Equipment Lease as a qualified tax-exempt obligation for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended.

Section 7. This resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED this 13 day of October 2026.

LESSEE: CITY OF BROKEN BOW, NEBRASKA

Signature: Russ Smith

Name/Title: Russ Smith/Council President

ATTEST:

Signature: Jennifer Waterhouse

Name/Title: Jennifer Waterhouse, City Clerk

CITY OF BROKEN BOW CORPORATE SEAL NEBRASKA