
ORDINANCE NO. 08-18-20

AMENDING AN ORDINANCE ENTITLED “AN ORDINANCE AUTHORIZING THE EXECUTION OF AN EQUIPMENT LEASE-PURCHASE AGREEMENT IN AN AMOUNT NOT EXCEEDING \$965,000 RELATING TO THE PURCHASE OF CERTAIN EQUIPMENT BY NEWBERRY COUNTY, AUTHORIZING THE EXECUTION OF OTHER NECESSARY DOCUMENTS AND PAPERS, AND OTHER MATTERS RELATING THERETO” TO DIRECT THE USE OF AVAILABLE PROCEEDS OF THE LEASE-PURCHASE AGREEMENT AUTHORIZED THEREBY

SEPTEMBER 16, 2020

BE IT ORDAINED BY COUNTY COUNCIL OF NEWBERRY COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED AS FOLLOWS:

ARTICLE I

FINDINGS OF FACT

Section 1.01

As an incident to the adoption of this ordinance, Newberry County Council (the "County Council"), the governing body of Newberry County, South Carolina (the "County"), finds that the facts set forth in this Article exist, and the statements made with respect thereto, are true and correct:

1. Pursuant to Ordinance No. 08-10-19, entitled "An Ordinance Authorizing The Execution Of An Equipment Lease-Purchase Agreement In An Amount Not Exceeding \$965,000 Relating To The Purchase Of Certain Equipment By Newberry County, Authorizing The Execution Of Other Necessary Documents And Papers, And Other Matters Relating Thereto," enacted September 18, 2019 (the "Ordinance"), the County Council authorized the issuance of a lease-purchase agreement in the principal amount of \$965,000 (the "Agreement").

2. Pursuant to the provisions of the Ordinance, a portion of the proceeds of the Agreement (the "Proceeds") are to be applied, as shown on Exhibit A to the Ordinance, to the purchase of two heart monitors for use in emergency services operations at an estimated price of \$90,000.

3. The Council has been advised that owing to favorable pricing terms, the County can acquire three heart monitors, rather than two, for \$90,000. The lessor and counter-party under the Agreement, Truist Bank (formerly Branch Banking and Trust Co.) is amenable to the use of proceeds of the Agreement for the acquisition of an additional heart monitor, but has requested that the Council amend the Ordinance to so provide, inasmuch as the Ordinance limited the use of proceeds to two heart monitors. After due deliberation, the Council is minded to so amend the Ordinance.

ARTICLE II

AMENDMENT OF ORDINANCE

Section 2.01

Exhibit A of the Ordinance is hereby amended such that the heart monitors to be acquired under the Agreement shall be three in number, rather than two, provided that the total amount of proceeds of the Agreement applied thereto shall not exceed \$90,000. The County Administrator and Finance Director are hereby authorized to take all such actions and execute and deliver all documents which may be required or useful to carry out the purposes of this Ordinance.

Section 2.02

The Ordinance, as amended by Section 2.01 herein, shall continue of full force and effect.

DONE IN MEETING DULY ASSEMBLED this ___ day of _____, 2020.

NEWBERRY COUNTY, SOUTH CAROLINA

(SEAL)

Chairman, County Council

Attest:

Clerk, County Council

Date of First Reading: August 19, 2020
Date of Second Reading: September 2, 2020
Date of Third Reading: September 16, 2020

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

I, the undersigned, Clerk to Council of Newberry County, South Carolina, DO HEREBY CERTIFY:

1. That the foregoing is a true, correct and verbatim copy of an Ordinance adopted by the County Council of Newberry County on _____, 2020, at which a majority/all members were present. It was first introduced at the regular meeting of County Council held on _____, 2020. At that meeting, it was given first reading by the majority/unanimous vote of the County Council. Afterwards, at the regular meeting of the County Council held on _____, 2020, it was given its second reading and at the regular meeting of the County Council held on _____, 2020, it was give third and final reading by the unanimous vote of County Council. At each of said meetings, a quorum of County Council was present at all times during the proceedings pursuant to which the aforesaid Ordinance was adopted, the original of which is duly entered in the record of minutes of the aforesaid meetings of said County Council in my Custody as such Clerk.

2. As required by Title 30, Chapter 4 of the Code of Laws of South Carolina 1976, as amended, being the Freedom of Information Act, a copy of the agenda of meetings (showing the date, time and place of the meeting) of the County Council of the County is posted on a designated bulletin board in the administrative offices of the County, posted on the County's publicly-available website and supplied to news media as requested, in each case at least 24 hours prior to regularly scheduled meetings of the County Council. An agenda was posted in accordance with the foregoing sentence for each meeting at which the attached Ordinance was voted upon, and each agenda as so posted contained as an item the consideration of the attached Ordinance by the County Council.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of the County, this ____ day of _____ 2020.

(SEAL)

Clerk to County Council of Newberry County,
Newberry County, South Carolina