

RESOLUTION NO. 18-05

PURCHASE OF VOTING MACHINES

A RESOLUTION APPROVING THE PURCHASE OF VOTING MACHINES; PROVIDING FOR THE PAYMENT AND SECURITY OF THE PURCHASE; AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS RELATED TO SUCH PURCHASE; AND MAKING CERTAIN DESIGNATIONS REGARDING FINANCING.

WHEREAS, the governing body of the Madison County Fiscal Court (the "Purchaser") has the power, pursuant to Kentucky Revised Statute 65 to enter into a Contract with Election Systems and Software (ES&S) for the purchase to provide for the use of the property for public purposes;

WHEREAS, the governing body of the Purchase (the "Governing Body") has previously determined, and hereby further determines, that the Madison County Clerk needs the Equipment, as defined in the Contract hereinafter described; and

WHEREAS, the Governing Body has determined that it is in the best interests of the Purchaser to enter into an ES&S Hardware Maintenance and Software Licensing Agreement ("the Agreement") not to exceed the amount of \$55,540 for a three-year term commencing from the date of the signed Agreement. The Agreement will not be financed and shall be paid through General Fund Appropriations.

WHEREAS, the Governing Body has determined and hereby determines that it is in the best interests of the Purchaser to enter into a Lease Agreement (the "Lease") not to exceed the contract amount of \$417,684 to be administered by Kentucky Association of Counties (the "Program Administrator") at a rate no higher than 4%, as selected by the Purchaser.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE MADISON COUNTY FISCAL COURT, AS FOLLOWS:

Section 1. Recitals and Authorization. The Purchaser hereby approves the Purchase Agreement and all Collateral Documents, to the extent defined and identified in the Contract, each in substantially the form presented to this Governing Body. It is hereby found and determined that the Project identified in the Contract is public property to be used for public purposes. It is further determined that it is necessary and desirable and in the best interests of the Purchaser to enter into the Contract for the purposes therein specified, and the execution and delivery of the Contract and all representations, certifications and other matters contained in the closing memorandum with respect to the Contract, or as may be required by the Contract prior to delivery of the Contract, are hereby approved, ratified and confirmed. The Judge/Executive and Fiscal Court Clerk of the Contract are hereby authorized to execute the Contract, together with such other agreements or certifications which may be necessary to accomplish the transaction contemplated by the Contract.

Section 2. Administration of the Lease. The Kentucky Association of Counties is hereby acknowledged to be the program administrator under the Lease.

Section 3. Severability. If any Section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

Section 4. Open Meetings Law. This Governing Body hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Governing Body, and that all deliberations of this governing Body and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

Section 5. Conflicts. All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed and the provisions of this Resolution shall prevail and be given effect.

Section 6. Effective Date. This Resolution shall take effect from and after its passage and publication of a summary thereof, as provided by law.

INTRODUCED, SECONDED AND ADOPTED, at a duly convened meeting of the Governing Body, held on March 27th 2018, signed by the Madison County Judge of the Contract, attested by the Madison County Clerk, filed and indexed as provided by law.

By: 
Madison County Judge Executive

ATTEST:

By: 
Madison County Clerk