

**RESOLUTION 2009-17**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, AUTHORIZING PARTICIPATION IN ANNUAL MUNICIPALITY TRADE-IN PROGRAM WITH BOBCAT WEST, A PAPE COMPANY; AND FURTHER DECLARING EXISTING BOBCAT MODEL S205 SURPLUS AND AUTHORIZING DISPOSITION AS TRADE-IN FOR ACQUISITION OF NEW BOBCAT MODEL S205 WITH CAB AND BUCKET; DECLARING SURPLUS ANY FUTURE EQUIPMENT TRADED IN PARTICIPATION IN SUCH PROGRAM**

**WHEREAS**, the City of Sunnyside currently owns one Bobcat Model S205, provided by Bobcat West, a Pape Company; and

**WHEREAS**, Bobcat West has offices situated at 909 South 18<sup>th</sup> Street, Yakima, Washington 98901, and offers municipalities the opportunity to participate in its "Annual Municipality Trade In Program," whereby the municipality is enabled each year to trade in its current Bobcat equipment for a new replacement Bobcat with new warranty, and with the option to acquire appropriate upgrades; and

**WHEREAS**, the City Council of the City of Sunnyside finds and determines that participation in such Program will promote the efficiency of services offered and performed by the City of Sunnyside Public Works Department and other City departments, and will promote the general health, safety and welfare; and

**WHEREAS**, the City Council finds and determines that a condition precedent to participation in such Program is the declaration that the current Bobcat Model S205 is surplus to the current uses and needs of the City of Sunnyside, and the authorization of the City Manager to enter into an Annual Municipality Trade In Program Agreement with

Bobcat West which includes disposition of the City's current Bobcat Model S205 and acquisition of a new Bobcat Model S205; and

**WHEREAS**, the special market conditions supporting participation in such Program require the declaration as surplus of equipment to be used as trade-in for new replacement equipment, and the City Council finds and determines that, for subsequent participation in such Program in ensuing years, the City equipment to be used as trade-in shall be deemed surplus to the uses and needs of the City of Sunnyside without further action; and

**WHEREAS**, the City Council finds and determines that upgrade of such new Bobcat Model S205 to include cab and bucket and related items for the total cost of \$3,707.96, including applicable taxes, is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare; and

**WHEREAS**, the City Council finds and determines that participation in the Annual Municipality Trade In Agreement and Program, together with acquisition of replacement equipment through such program, constitutes a special market condition exempt from competitive bidding procedures.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE COTY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON**, as follows:

**Section 1.** The "Agreement to Participate in Annual Municipality Trade In Program" offered through Bobcat West, a Pape Company, 909 South 18<sup>th</sup> Street, Yakima, Washington 98901, a copy of which Agreement is attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby approved for participation by the City of Sunnyside, being exempt from competitive bidding procedures as a special market condition; and the City Manager is hereby authorized to execute and administer such agreement for and on behalf of the City of Sunnyside.

**Section 2.** The “Annual Municipal Trade In Program Agreement,” a copy of which is included within Exhibit “A” and incorporated herein by this reference, by and between the City of Sunnyside and Bobcat West, a Pape Company, is hereby approved; and the City Manager is hereby authorized to execute and administer such agreement and purchase order for and on behalf of the City of Sunnyside.

**Section 3.** The City Council hereby finds and declares that the existing Bobcat Model S205 owned by the City of Sunnyside is surplus to the uses and needs of the City of Sunnyside, and hereby authorizes disposition of such equipment, including but not limited to use as trade-in for acquisition of a new Bobcat Model S205, to include cab, bucket and related equipment as set forth in the purchase order and Agreement for a cost of \$3,707.96, including applicable taxes; and hereby directs the City Manager to prepare and present any necessary or appropriate budget amendment to accomplish the purposes of this Resolution.

**Section 4.** The special market conditions supporting participation in such Program requires the declaration as surplus of equipment to be used as trade-in for new replacement equipment, and the City Council finds and determines that, for subsequent participation in such Program in ensuing years, the City equipment to be used as trade-in shall be deemed surplus to the uses and needs of the City of Sunnyside without further action.

**Section 5.** This Resolution shall be effective upon passage, approval and signatures hereon in accordance with law.

PASSED this 9<sup>th</sup> day of March, 2009.

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PABLO GARCIA, MAYOR

ATTEST:

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DEBORAH A. ESTRADA, CITY CLERK

APPROVED AS TO FORM:

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MARK A. KUNKLER, CITY ATTORNEY