

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF FRESNO, CALIFORNIA AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE PURCHASE AGREEMENT AND CERTAIN SEPARATE LEASE SCHEDULES, FACILITATING FUTURE CITYWIDE LEASE-PURCHASE EQUIPMENT ACQUISITIONS; AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS REQUIRED IN CONNECTION THEREWITH.

WHEREAS, City of Fresno, a Charter City and municipal corporation (City), is authorized by its Charter and the laws of the State of California to purchase, acquire, and lease personal property for the benefit of the City and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, the City desires to purchase, acquire, and lease certain equipment constituting personal property necessary for City operations; and

WHEREAS, to acquire such equipment, the City as Lessee proposes to enter that certain Master Lease Purchase Agreement (Agreement) with Banc of America Public Capital Corp. (Lessor), and from time to time, to enter separate Lease Schedules, as provided in the Agreement; and

WHEREAS, the City entering the Agreement, and the separate Lease Schedules, as provided in the Agreement, will benefit the City and the efficient and effective administration of City operations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno, as follows:

1. **Approval of Documents.** Council approves the Agreement, and the separate Lease Schedules, as provided in the Agreement, substantially in the forms

1 of 4

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: BL

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presented at this meeting, with such insertions, omissions and changes as shall be approved by either the City Manager, City Controller, or Assistant City Controller, and approved to form by the City Attorney's Office.

2. **Authority to Execute Documents.** Council authorizes and directs either the City Manager, City Controller, or Assistant City Controller to execute the Agreement, each Lease Schedule (subject to meeting any competitive procurement, budgeting, and appropriation requirements), and any related Exhibits attached thereto and to deliver the Agreement, and each Lease Schedule (including such Exhibits) to the respective parties thereto.

3. **Other Actions Authorized.** Council authorizes the above named City officers and employees to take all action reasonably required to effectively carry out the transactions contemplated in the Agreement and the separate Lease Schedules. Actions may include, without limitation, executing and delivering Acceptance Certificates, any tax certificates and agreements, closing and other documents all as required under and consistent with the Agreement and separate Lease Schedules.

4. **Authorizing City Representatives.** Council designates and authorizes the City Manager, City Controller, or Assistant City Controller, each acting alone, to represent the City in carrying out the Agreement and each Lease Schedule until such time as the Council shall designate any other or different authorized representatives for such purpose.

5. **Severability.** If any section, paragraph, clause, or provision of this Resolution shall for any reason be held invalid or unenforceable, the invalidity or

unenforceability shall not affect any other section, paragraph, clause, or provision of this Resolution.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2018.

AYES :
NOES :
ABSENT :
ABSTAIN :

YVONNE SPENCE, MMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Brandon M. Collet Date
Senior Deputy City Attorney