

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF AN EQUIPMENT LEASE-PURCHASE AGREEMENT WITH COMMUNITY FIRST NATIONAL BANK, AS LESSOR, FOR THE ACQUISITION, PURCHASE, FINANCING AND LEASING OF CERTAIN EQUIPMENT FOR THE FRESNO FIRE DEPARTMENT; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION

WHEREAS, City of Fresno, a Charter City and municipal corporation (the "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 has determined that a true and very real need exists for the acquisition, purchase and financing of certain property consisting of self-contained breathing apparatus, (collectively, the "Equipment") on the terms herein provided; and

WHEREAS, in order to acquire such Equipment, the City proposes to enter into that certain Equipment Lease-Purchase Agreement (the "Lease") with Community First National Bank, as lessor, substantially in the proposed form presented at this meeting, and schedules thereto substantially in the form attached to the Lease; and

WHEREAS, the City deems it for the benefit of the City and the efficient and effective administration thereof to enter into the Lease and attendant schedules relating thereto from time to time as provided in the Lease for the purchase, acquisition,

Date Adopted:
Date Approved:
Effective Date:
City Attorney Approval: Be

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financing, and leasing of the Equipment to be therein more specifically described on the terms and conditions provided therein and herein.

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

1. Finding. Council finds and determines that the terms of the Lease (including the form of Lease Schedule and Payment Schedule attached thereto), are in the best interests of the City for the acquisition, purchase, financing and leasing of the Equipment.

2. Approval of Documents. Council approves the Lease and attendant schedules substantially in the forms presenting at this meeting, with such insertions, omissions and changes as shall be approved by the City Manager, City Controller, or Assistant City Controller, and approved as to form by the City Attorney's Office.

3. Authority to Execute Documents. Council authorizes and directs the City Manager, City Controller, or Assistant City Controller to execute the Lease, and attendant schedules, and any related exhibits attached thereto and to deliver the Lease and schedules (including exhibits) to the respective parties thereto, provided, however, that, without further authorization from the governing body of the Lessee, (a) the aggregate principal component of Rent Payments under the Lease shall not exceed \$7,150,000; (b) the maximum term under any Lease entered into pursuant to the Lease shall not exceed seven (7) years; and (c) the maximum interest rate used to determine the interest component of Rent Payments under this Lease shall not exceed the lesser of the maximum rate permitted by law or ten percent (10%) per annum. The foregoing authorization shall remain in effect for the term of the Lease.

4. 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 Lease and schedules, including, but not limited to, the execution and delivery of the certificates contemplated therein and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Lease.

5. 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 Lease until such time as the Council shall designate any other or different authorized representative for such purposes.

6. 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.

7. Effective Date. This Resolution shall be effective immediately upon its approval and adoption.

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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 _____, 2015.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2015
Mayor Approval/No Return: _____, 2015
Mayor Veto: _____, 2015
Council Override Vote: _____, 2015

YVONNE SPENCE, CMC
City Clerk

By: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Brandon M. Collet Date
Deputy