

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
FRESNO, CALIFORNIA, AUTHORIZING THE CITY  
MANAGER OR DESIGNEE TO EXECUTE AND DELIVER  
AN EQUIPMENT LEASE PURCHASE AGREEMENT, AN  
ESCROW AGREEMENT AND EQUIPMENT SCHEDULE

WHEREAS, the Council of the City of Fresno (Council) desires to cause the City of Fresno (Lessee) to purchase, acquire and lease certain equipment constituting personal property (*Equipment*) necessary for the Lessee to perform essential governmental functions as deemed necessary and/or desirable by the City Manager or designee;

WHEREAS, the Council desires to cause Lessee to finance the Equipment in an amount not to exceed \$17,947,480.00 (*Financed Amount*);

WHEREAS, in order to acquire such Equipment, the Lessee proposes to enter into one or more Equipment Lease Purchase Agreements (together with the Equipment Schedules and all related exhibits, schedules, and certificates attached thereto, the *Lease Agreements*) with Alliance Funding Solutions, Inc., a California corporation (*Lessor*) for the Financed Amount secured in part by the Equipment, and one Escrow Agreement (together the Disbursement/Payment Request Form and Acceptance Certificate, the *Escrow Agreement*) with the Lessor and an escrow agent (approved by Lessor);

WHEREAS, the Council deems it for the benefit of the Lessee and for the efficient and effective administration thereof to enter into the Lease Agreements and Escrow Agreement (Collectively, Transaction Documents) for the purchase, acquisition, and

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Date Adopted:  
Date Approved:

Effective Date:

City Attorney Approval: 

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leasing of the Equipment to be therein described on the terms and conditions therein provided;

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

1. RESOLVED, that the Council hereby authorizes and directs the City Manager or designee to execute and deliver the Transaction Documents

2. RESOLVED FURTHER, that the execution of the Transaction Documents by the City Manager shall constitute conclusive evidence of such officer's and the governing body's approval of any such changes, insertions, revisions, corrections, or amendments to the Transaction Documents;

3. RESOLVED FURTHER, that the officers and employees of the Lessee shall take all action necessary or reasonably required by the Transaction Documents to carry out, give effect to, and consummate the transactions contemplated thereby and to take all action necessary in conformity therewith;

4. RESOLVED FURTHER, that the City Manager and all other officers and employees of the Lessee are hereby directed and authorized to take and shall take all action necessary or reasonably required in order to select, purchase, and take delivery of the Equipment;

5. RESOLVED FURTHER, that nothing contained in this Resolution or the Transaction Documents shall be construed with respect to the Lessee as incurring a pecuniary liability or charge upon the general credit of the Lessee or against its taxing power, nor shall the breach of any provision contained in this Resolution or the Transaction Documents impose any pecuniary liability upon the Lessee or any charge upon its general credit or against its taxing power, except to the extent that the rental

payments payable under the Transaction Documents are special limited obligations of the Lessee as provided therein;

6. RESOLVED FURTHER, that the City Manager is hereby designated to act as authorized representatives of the Lessee for purposes of the Transaction Documents until such time as the governing body of the Lessee shall remove such designation;

7. RESOLVED FURTHER, that any actions authorized pursuant to the authority given hereunder and heretofore taken by the Lessee, or City Manager on behalf of the Lessee, in connection with the transactions contemplated by the foregoing resolutions be, and they hereby are, approved, ratified and confirmed in all respects

8. This Written Consent may be executed in multiple counterparts, and all such executed counterparts shall constitute the same instrument.

9. This resolution shall be effective upon final approval.

\* \* \* \* \*

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

I, TODD STERMER, 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 \_\_\_\_\_ 2022.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

TODD STERMER, CMC  
City Clerk

By: \_\_\_\_\_  
Deputy Date

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By: \_\_\_\_\_  
Brandon M. Collet Date  
Senior Deputy City Attorney