

RESOLUTION NO. 7706

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
RIALTO, CALIFORNIA ENTERING A LEASE PURCHASE
AGREEMENT BETWEEN PCN EQUIPMENT FINANCE, LLC
AND CITY OF RIALTO, CALIFORNIA (LESSEE)**

WHEREAS, the budget for fiscal year 2020-2021 of the City of Rialto has been adopted by this Council in its original form, and said budget will need to be amended at times to fulfill the goals of the City; and

WHEREAS, the City departments may not exceed their appropriations by character of expense, with character of expense being defined as personnel services, services and supplies, capital outlay, debt service and transfers, without the consent of the City Manager; and

WHEREAS, the Governing Body hereby finds and determines that the execution of one or more Master Lease-Purchase Agreements ("Leases") in the principal amount not exceeding the amount stated above for the purpose of acquiring the property ("Equipment") to be described in the Leases is appropriate and necessary to the functions and operations of the Municipality.

WHEREAS, PNC Equipment Finance, LLC ("Lessor") shall act as Lessor under said Leases.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIALTO DOES
HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:**

Section 1: Either one of the City Mayor OR her Authorized Designee (each an "Authorized Representative") acting on behalf of the Municipality, is hereby authorized to negotiate, enter into, execute, and deliver one or more Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Municipality. Each Authorized Representative acting on behalf of the Municipality is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Lease as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Leases are hereby authorized.

1 **Section 2:** By a written instrument signed by any Authorized Representative, said
2 Authorized Representative may designate specifically identified officers or employees of the
3 Municipality to execute and deliver agreements and documents relating to the Leases on behalf of the
4 Municipality.

5 **Section 3:** The aggregate original principal amount of the Leases shall not exceed the
6 amount stated above and shall bear interest as set forth in the Leases and the Leases shall contain such
7 options to purchase by the Municipality as set forth therein.

8 **Section 4:** The Municipality's obligations under the Leases shall be subject to annual
9 appropriation or renewal by the Governing Body as set forth in each Lease and the Municipality's
10 obligations under the Leases shall not constitute general obligations of the Municipality or indebtedness
11 under the Constitution or laws of the State.

12 **Section 5:** As to each Lease, the Municipality reasonably anticipates to issue not more than
13 \$10,000,000 of tax-exempt obligations (other than "private activity bonds" which are not "qualified
14 501(c)(3) bonds") during the current calendar year in which each such Lease is issued and hereby
15 designates each Lease as a qualified tax-exempt obligation for purposes of Section 265(b) of the Internal
16 Revenue Code of 1986, as amended.

17 **Section 6:** This resolution shall take effect immediately upon its adoption and approval.
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1 **PASSED APPROVED AND ADOPTED** this 23rd day of March, 2021.

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5 DEBORAH ROBERTSON, Mayor

6 **ATTEST:**

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9 BARBARA McGEE, City Clerk

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12 **APPROVED AS TO FORM:**

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15 ERIC VAIL, Interim City Attorney

1 **STATE OF CALIFORNIA**)
2 **COUNTY OF SAN BERNARDINO**) ss
3 **CITY OF RIALTO**)

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
5 Resolution No. 7706 was duly passed and adopted at a regular meeting of the City Council of the City of
6 Rialto held on the 23rd day of March, 2021.

7 Upon motion of Council Member Carrizales, seconded by Council Member Perez, the foregoing
8 Resolution No. 7706 was duly passed and adopted.

9 Vote on the motion:

10 AYES: Mayor Robertson, Mayor Pro Tem Scott, Council Member Trujillo, Carrizales and Perez

11 NOES: None

12 ABSENT: None
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14 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
15 Rialto this 24th day of March, 2021.

16 Barbara A. McGee

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18 BARBARA McGEE, CITY CLERK
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