

RESOLUTION NUMBER BFPD 2021-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BURNEY FIRE PROTECTION DISTRICT, COUNTY OF SHASTA, STATE OF CALIFORNIA, APPROVING AN INSTALLMENT PURCHASE AGREEMENT FOR THE ACQUISITION OF A REPLACEMENT AMBULANCE, RESCUE VEHICLE AND CARDIAC MONITORS AND TAKING RELATED ACTIONS

WHEREAS, the Burney Fire Protection District (the "District") requires the use of ambulances to provide services to its constituents; and

WHEREAS, the Fire Chief has determined and reported to the Board that there is a critical need for acquisition of a replacement ambulance, rescue vehicle and cardiac monitors (collectively, the "Equipment") in light of the Equipment age and increased maintenance cost and history; and

WHEREAS, there has been presented to the District a proposed financing by U.S. REV Financial Services, LLC. ("REV Financial") for the acquisition of the Equipment; and

WHEREAS, in connection with the financing, there have been presented to the District: (i) a Master Tax-Exempt Installment Purchase Agreement, by and between the District and REV Financial ("Master Agreement"), (ii) an Addendum to the Master Agreement ("Addendum No. 1"), (iii) a Property Schedule No. 1 (which includes a Property Description and Payment Schedule as an attachment) (collectively with the Master Agreement and Addendum No. 1, the "Purchase Agreement"), and (v) an Escrow Agreement, by and among the District, REV Financial and U.S. Bank National Association, as escrow agent (the "Escrow Agreement"); and

WHEREAS, the District's Purchasing Policy and Procedures were adopted on January 15, 2003 and revised on May 12, 2004; and

WHEREAS, Section C.4 of the District's Purchasing Policy provides, in relevant part:

"An emergency is defined as a breakdown of machinery or equipment resulting in the interruption of an essential service or a District threat to public health, safety, or welfare. In the case of an emergency requiring the immediate purchase of supplies, materials, equipment, or contractual services, the Fire Chief may authorize the District Secretary or his/her designee to secure in the open market at the lowest obtainable price, any supplies, materials, equipment, or contractual services required regardless of the amount of the expenditure";

NOW, THEREFORE, THE BURNEY FIRE PROTECTION DISTRICT BOARD OF DIRECTORS DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The above recitals, and each of them, are true and correct and are a substantive part of this Resolution.

Section 2. The acquisition of the Equipment is hereby approved.

Section 3. The Board hereby finds and determines that:

(i) the acquisition of the Equipment is essential to prevent delays which may affect the life, health, or safety of citizens;

(ii) life, health, and/or safety of the public would be jeopardized without using the available emergency procurement procedures (as authorized by the Purchasing Policy) to obtain the Equipment without delay; and

(iii) the District has arranged for the procurement of the Equipment and the execution and delivery of the Purchase Agreement, in compliance with all applicable public bidding law including provisions authorizing procurements of essential equipment, goods or services under emergency conditions.

Section 4. The purchase financing for the acquisition of the Equipment is hereby approved. The Board hereby authorizes the Chair of the Board (or, in the Chair's absence, the Vice Chair) and the Fire Chief (the "Authorized Officers"), and each of them acting individually, in the name of and on behalf of the District, to execute and deliver the Purchase Agreement, in substantially the form attached as Exhibit A, with such changes therein as the Authorized Officer executing the same may approve (such approval to be conclusively evidenced by the Authorized Officer's execution and delivery thereof); provided that the total principal component of the Installment Payments (as defined in the Purchase Agreement) payable by the District shall not exceed \$373,741 and the interest rate evidenced by the interest components of the Installment Payment (so long the District is no in default thereunder) shall not exceed 2.75 percent per annum.

Section 5. The Board hereby authorizes the Authorized Officers, and each of them acting individually, in the name of and on behalf of the District, to execute and deliver the Escrow Agreement, in substantially the form attached as Exhibit A, with such changes therein as the Authorized Officer executing the same may approve (such approval to be conclusively evidenced by the Authorized Officer's execution and delivery thereof).

Section 6. Reference is hereby made to that the District's Debt Policy, set forth in Resolution No. 2019-02, adopted by the Board on April 4, 2019. The Board hereby finds that the purchase financing approved hereby is consistent with the Debt Policy.

Section 7. Set forth in Exhibit B are good faith estimates for the proposed financing pursuant to Government Code Section 5852.1.

Section 8. The Board hereby approves and affirms Richards, Watson & Gershon, A Professional Corporation, to serve as special counsel to the District for the financing described herein.

Section 9. The Authorized Officers and other officers of the District, and each of them individually, are hereby authorized and directed, for and in the name of and on behalf of the District, to execute and deliver any and all documents, to do any and all things and take any and all actions (including, but limited to, the payment of any fee due to the California Debt and Investment Advisory Commission under Government Code Section 8856 in connection with the financing) that may be necessary or advisable in order to consummate the financing and to effect the purposes of this resolution. All actions heretofore taken by officers, employees, and agents of the District that are in conformity with the purposes and intent of this resolution are hereby approved, confirmed, and ratified.

APPROVED and ADOPTED this 16th day of February, 2021, by the following vote:

AYES: Moore, VALINOTI, Sweet, Caldwell, May

NOES: 0

ABSENT: 0

ABSTAIN: 0



Robert Moore, Board Chair

ATTEST:



Cindy Hall, Clerk to the Board

EXHIBIT A
PURCHASE FINANCING DOCUMENTS

[see attached]

EXHIBIT B

GOOD FAITH ESTIMATES PER GOVERNMENT CODE SEC. 5852.1

Pursuant to California Government Code Section 5852.1, the following good faith estimates (as obtained by the District from REV Financial, the financing provider) must be disclosed at a public meeting before the District Board of Directors' authorization of the purchase financing (which has a term greater than 13 months):*

True interest cost of the obligation	2.75%
Finance charge of the financing (the sum of fees and charges paid to third parties)	\$4,226.08
Amount of proceeds received by the District from financing, less the finance charge and any reserves or capitalized interest paid or funded with financing proceeds	\$373,740.31
The total payment amount (the sum total of all installment payments, plus the finance charges not paid with the proceeds of the financing)	\$415,966.39

*Estimates as of February 16, 2021.

