

ORDINANCE NUMBER O- 20618 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 23 2016

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING AND DIRECTING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A FIRST AMENDMENT TO THE MASTER LEASE AGREEMENT WITH BANC OF AMERICA PUBLIC CAPITAL CORP. DATED OCTOBER 9TH, 2015 TO INCREASE THE AMOUNT AVAILABLE TO BE FINANCED BY \$17.5 MILLION TO \$31.6 MILLION FROM \$14.1 MILLION TO ALLOW FOR THE LEASE PURCHASE OF ADDITIONAL FIRE FIGHTING APPARATUS.

WHEREAS, from time to time the City of San Diego (City) needs to acquire projects and equipment for the purposes of providing public services and frequently uses lease-purchase financing to purchase such projects and equipment; and

WHEREAS, in September 2014, the City established a pool of three qualified Lessors (Pool) through a Request for Statement of Qualifications; and

WHEREAS, the City received proposals from all three Lessors in response to a Request for Lease Purchase Proposals and Debt Management recommended award of the contract to Banc of America Public Capital Corp. (BAPCC) because they offered the most competitive financing rates overall and accepted all key terms and conditions required by the City; and

WHEREAS, on June 11, 2015, the City passed an ordinance authorizing the Mayor to enter into a Master Lease Agreement (Agreement) with BAPCC in an amount not to exceed \$14.1 to finance the acquisition of vehicles and equipment through a lease-purchase arrangement; and

WHEREAS, the City entered into the Agreement with BAPCC on October 9, 2015; and

WHEREAS, Fleet Services has identified additional funding needs of approximately \$24.8 million for thirty replacement and one new fire apparatus, including using approximately

\$7.3 million already authorized under the Agreement, and BAPCC has agreed to amend the Agreement to accommodate these additional needs; and

WHEREAS, under San Diego Charter Section 99, no contract, agreement or obligation extending for a period of more than five years may be authorized except by an ordinance adopted by a two-thirds majority of the City Council; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

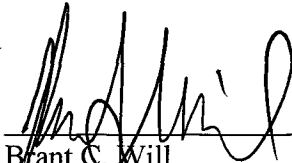
Section 1. That the Mayor, the Chief Operating Officer, the Chief Financial Officer or any of their designees is hereby authorized and directed to execute, for and on behalf of the City of San Diego, a First Amendment to Master Lease Agreement (Amendment) with BAPCC for the purpose of financing the additional fire apparatus. The Amendment shall be substantially in the form presented to this Council, on file in the Office of the City Clerk as Document No. OO- **20618**, with such additions and changes therein as the Chief Operating Officer or Chief Financial Officer, in consultation with the City Attorney, shall approve as being in the best interest of the City; provided however that: (i) the acquisition cost of the apparatus financed under the Agreement and the Amendment (together, the Amended Agreement) shall not exceed \$31,600,000; and (ii) the interest rate on any such financed apparatus shall not exceed six percent (6%) annually.

Section 2. That the Chief Operating Officer or Chief Financial Officer is authorized to revise the proposed list of equipment to be financed under the Amended Agreement where such changes are in the best interest of the City.

Section 3. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been available to the City Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

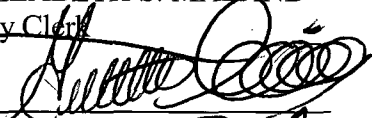
APPROVED: JAN I. GOLDSMITH, City Attorney

By  _____
Brant C. Will
Deputy City Attorney

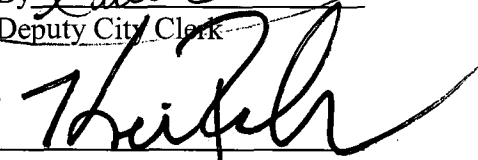
BCW:jdf
02/09/2016
Or.Dept:Debt Management
Doc. No: 1221720

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAR 08 2016.

ELIZABETH S. MALAND
City Clerk

By  _____
Deputy City Clerk

Approved: 3/21/16
(date)



KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on MAR 08 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 23 2016

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

FEB 23 2016

MAR 23 2016

, and on _____

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California

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