

CITY OF ALAMEDA RESOLUTION NO. ____

AUTHORIZING THE INTERIM CITY MANAGER, OR DESIGNEE, TO NEGOTIATE AND EXECUTE A LEASE-PURCHASE AGREEMENT WITH MOOSE BOATS, LLC. THROUGH THE UNITED STATES GENERAL SERVICES ADMINISTRATION PROCUREMENT PROGRAM; AND A LEASE-PURCHASE WITH JP MORGAN CHASE BANK, NA FOR THE ACQUISITION OF ONE M2-38 MOOSE BOAT CATAMARAN WATERJET FIRE RESCUE BOAT IN AN AMOUNT NOT TO EXCEED \$1,500,000

WHEREAS, the City of Alameda, a municipal corporation's ("City") fire suppression and rescue boat has exceeded its maximum useful life as established by the National Fire Protection Association replacement guideline because it has been service 8 years and has 1,100 operating hours, and is thus due for replacement; and

WHEREAS, the City's purchase of a new fire suppression and rescue boat will allow for a reliable platform for critical marine response capabilities to the community, improve the Fire Department's ("Department") floating platform for dive rescue operations that reduce the reflex time to deploy a diver, and increase emergency water supply pumping capabilities to sustain firefighting needs in the event the island loses water supply post-earthquake; and

WHEREAS, the Department recommends purchasing the new fire suppression and rescue boat through the United States General Services Administration (GSA) cooperative procurement program; and

WHEREAS, GSA is a nationwide, government-to-government procurement service that procures products and services, with all available vendors having been awarded contracts through a public competitive procurement process compliant with state statutes; and

WHEREAS, Moose Boats LLC has provided the City with a quote for the acquisition of the new fire suppression and rescue boat, based on GSA pricing and discount for upfront payment, for \$ 1,202,347.24 with financing obtained through lease-purchase agreement with JPMorgan Chase Bank, N.A. in an amount not to exceed \$1,500,000. (Principal Amount); and

WHEREAS, pursuant to applicable law, the governing body of the City ("Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the Lessee; and

WHEREAS, the Governing Body hereby finds and determines that the execution of one or more lease-purchase agreements ("Equipment Leases") in the principal amount not exceeding the amount stated above ("Principal Amount") for the purpose of acquiring the property generally described above ("Property") and to be described more specifically

in the Equipment Leases is appropriate and necessary to the functions and operations of the City as Lessee; and

WHEREAS, JPMorgan Chase Bank, N.A. ("Lessor") is expected to act as the lessor under the Equipment Leases; and

WHEREAS, the City as Lessee may pay certain capital expenditures in connection with the Property prior to its receipt of proceeds of the Equipment Leases ("Lease Purchase Proceeds") for such expenditures and such expenditures are not expected to exceed the Principal Amount; and

WHEREAS, the United States Treasury Department regulations do not allow the proceeds of a tax-exempt borrowing to be spent on working capital and the Lessee shall hereby declare its official intent to be reimbursed for any capital expenditures for Property from the Lease Purchase Proceeds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda that:

SECTION 1. The foregoing recitals are true and correct, and, together with information provided by City staff and the public, if any, form the basis for the approvals, findings, resolutions, and determinations set forth below.

SECTION 2. The City Council approves, authorizes, and directs the Interim City Manager, or designee, to negotiate and execute all documents necessary to finalize (1)) an Agreement with Moose Boats, LLC. through the GSA purchasing cooperative and (2) a financing agreement with JPMorgan Chase Bank, NA for the acquisition of one M2-38 Moose Boat Catamaran Waterjet Fire Rescue Boat in an amount not to exceed \$1,500,000.

SECTION 3. The Interim City Manager ("Authorized Representative") acting on behalf of the City as Lessee is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases which shall be available for public inspection at the office of the City as Lessee. The Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment Lease (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized.

SECTION 4. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the City as Lessee to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the City as Lessee.

SECTION 5. The aggregate original principal amount of the Equipment Leases shall not exceed the Principal Amount and shall bear interest as set forth in the Equipment Leases and the Equipment Leases shall contain such options to purchase by the City as Lessee as set forth therein.

SECTION 6. The City Lessee's obligations under the Equipment Leases shall be subject to annual appropriation or renewal by the City's Governing Body as set forth in each Equipment Lease and the Lessee's obligations under the Equipment Leases shall not constitute a general obligations of the Lessee or indebtedness under the Constitution or laws of the State of California.

SECTION 7. The Governing Body of the City as Lessee anticipates that the City as Lessee may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease Purchase Proceeds for the Property. The City Council as Governing Body of the City as Lessee hereby declares the Lessee's official intent to use the Lease Purchase Proceeds to reimburse itself for Property expenditures. This section of the Resolution is adopted by the Governing Body of Lessee for the purpose of establishing compliance with the requirements of Section 1.150-2 of Treasury Regulations. This section of the Resolution does not bind the Lessee to make any expenditure, incur any indebtedness, or proceed with the purchase of the Property.

SECTION 8. This Resolution shall take effect immediately upon its adoption and approval.

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I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 6th day of September 2022, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this 7th day of September 2022.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Yibin Shen, City Attorney
City of Alameda