

LAKE COUNTY OFFICE OF EDUCATION
Office of the Superintendent

Lease/Purchase of SELPA Buses
RESOLUTION NO. 1516-03

ISSUE

The Lake County SELPA Governance Council has approved the lease/purchase of three buses to meet the Special Education transportation needs of three of our member districts (i.e., Konocti Unified School District, Middletown Unified School District, and Kelseyville Unified School District). All three buses are being purchased via a lease agreement which requires the approval of the governing Board of the Lake County Office of Education. Please see the attached "Form of Authorizing Resolution" which outlines the responsibilities of the Lake County Office of Education (lessee) and which is hereby submitted for approval.

BACKGROUND/PREVIOUS BOARD ACTIVITY

There has been no prior Board activity with regards to this issue. The lending institution used for the lease of prior SELPA buses did not require the approval of the LCOE Board. The approval of the SELPA Governance Council was considered sufficient. The budget for the buses has been approved by the SELPA Governance Council.

DISCUSSION

These three buses are required to meet our districts' obligation to provide Special Education transportation for those students who require transportation as determined via the Individualized Education Plan process. Approval of this resolution is required for the purpose of financing these buses in the manner requested by the SELPA Governance Council.

FISCAL, STAFFING, AND FACILITIES

As indicated, the funds necessary for the purchase of these buses have been approved by the SELPA Governance Council and the funds have been budgeted by the SELPA. Buses are housed by the District utilizing the bus and bus maintenance is paid by the SELPA.

SUPERINTENDENT'S RECOMMENDATION

The County Superintendent of Schools recommends approval of Resolution 1516-03.

Report prepared by: Ruth S. Aldrich, Ed.D., Sr. Director, SELPA & Student Services

LAKE COUNTY BOARD OF EDUCATION

RESOLUTION

NO. 1516-03

A RESOLUTION OF THE GOVERNING BODY OF LAKE COUNTY OFFICE OF EDUCATION, AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER GOVERNMENTAL LEASE-PURCHASE AGREEMENT AND SUPPLEMENT NO. 464977-400 THERETO WITH RESPECT TO THE ACQUISITION, PURCHASE, FINANCING AND LEASING OF CERTAIN EQUIPMENT FOR THE PUBLIC BENEFIT; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION.

WHEREAS, Lake County Office of Education (the "Lessee"), a body politic and corporate duly organized and existing as a political subdivision, municipal corporation or similar public entity of the State of California is authorized by the laws of the State of California to purchase, acquire and lease personal property for the benefit of the Lessee and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, the Lessee desires to purchase, acquire and lease certain equipment constituting personal property necessary for the Lessee to perform essential governmental functions; and

WHEREAS, in order to acquire such equipment, the Lessee proposes to enter into that certain Master Governmental Lease-Purchase Agreement (the "Agreement"), and Supplement No. 464977-400 thereto (the "Supplement" and together with the Agreement, the "Lease"), each with Wells Fargo Equipment Finance, Inc. (the "Lessor"), the forms of which have been presented to the governing body of the Lessee at this meeting; and

WHEREAS, the governing body of the Lessee deems it for the benefit of the Lessee and for the efficient and effective administration thereof to enter into the Supplement as provided in the Agreement for the purchase, acquisition and leasing of the equipment to be therein described on the terms and conditions therein provided:

Now, **THEREFORE, BE IT AND IT IS HEREBY RESOLVED** by the governing body of Lessee as follows:

Section 1. Approval of Documents. The form, terms and provisions of the Agreement and the Supplement are hereby approved in substantially the forms presented at this meeting, with such insertions, omissions and changes as shall be approved by the County Superintendent of Schools of the Lessee or other members of the governing body of the Lessee executing the same, the execution of such documents being conclusive evidence of such approval; and the County Superintendent of the Lessee is hereby authorized and directed to execute, and the Senior Director of Business Services of the Lessee is hereby authorized and directed to attest and countersign, the Agreement and the Supplement and any related Exhibits attached thereto and to deliver the Agreement and the Supplement (including such Exhibits) to the respective parties thereto and the County Superintendent of the Lessee is hereby authorized to affix the seal of the Lessee to such documents.

Section 2. Other Actions Authorized. The officers and employees of the Lessee shall take all action necessary or reasonably required by the parties to the Agreement and the Supplement to carry out, give effect to and consummate the transactions contemplated thereby (including the execution and delivery of an acceptance certificate with respect to the Supplement, as contemplated in the Agreement) and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement and the Supplement.

Section 3. No General Liability. Nothing contained in this Resolution, the Agreement, the Supplement nor any other instrument 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 agreement contained in this Resolution, the Agreement, the Supplement or any other instrument or document executed in connection therewith 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 Lease are special limited obligations of the Lessee as provided therein.

Section 4. Appointment of Authorized Lessee Representatives. The County Superintendent of Schools and the Senior Director of Business Services of the Lessee are each hereby designated to act as authorized representatives of the Lessee for purposes of the Agreement and the Supplement until such time as the governing body of the Lessee shall designate any other or different authorized representative for purposes of the Agreement and the Supplement.

Section 5. Severability. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 6. Repealer. All bylaws, orders and resolutions or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance or part thereof.

Section 7. Effective Date. This Resolution shall be effective immediately upon its approval and adoption.

PASSED AND ADOPTED this 19th day of August, 2015 at a meeting, by the following vote:

David Browning:	Aye_____	Nay_____	Abstain_____	Absent_____
Mark Cooper:	Aye_____	Nay_____	Abstain_____	Absent_____
Patricia Hicks:	Aye_____	Nay_____	Abstain_____	Absent_____
Madelene Lyon:	Aye_____	Nay_____	Abstain_____	Absent_____
George Ryder:	Aye_____	Nay_____	Abstain_____	Absent_____

ATTEST: _____
Board President

APPROVE: _____
Lake County Superintendent of Schools