

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 130092

Authorizing the Director of Finance to accept the proposal of Banc of America Public Capital Corporation (“BAPCC”) for financing the improvements to multiple fire stations to comply with Gender Neutral and Americans with Disabilities Act (“ADA”) requirements (collectively the “Project”) under a Master Equipment Lease/Purchase Agreement (“Lease”) in an approximate principal amount not to exceed \$918,000; estimating and appropriating \$918,000 in lease proceeds; authorizing the execution of any and all documents and agreements necessary for the financing; designating requisitioning authorities; authorizing the Director of Finance to close project accounts upon project completion; and declaring the intent of the City to reimburse itself from the lease purchase proceeds for certain expenditures.

WHEREAS, the renovation of the fire stations will provide male and female firefighters separate restrooms, showers, locker areas and individual bunk cubicles; and

WHEREAS specific fire stations were assessed by the Department of Justice (“DOJ”) and ADA deficiencies were found and need to be corrected on a specific timetable agreed to by the City and the DOJ;

WHEREAS the City entered into a Settlement Agreement with the DOJ on July 26, 2012 under Project Civic Access; and

WHEREAS the City is obligated to comply with the terms of the Settlement Agreement, including correcting structural and building deficiencies and bring such deficiencies into ADA compliance; and

WHEREAS, the General Services Department, City Architect’s Office and the Fire Department will coordinate the selection of the Design Build Team and will assist in the design and coordination of the construction of the fire station renovations; and

WHEREAS, the cost of acquisition and implementation of the Project is expected to be financed under the Lease with BAPCC by one draw upon the Lease; and

WHEREAS, the payment of scheduled debt service payments on the draw made under the Lease is estimated to be paid from the Fire Sales Tax over a successive three-year (3) period; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of Finance is authorized to accept the proposal of BAPCC for financing the Project through one (1) draw upon the Lease in an approximate principal amount not to exceed \$918,000.00.

Section 2. That the Director of Finance is authorized to execute, deliver and file in the name of the City, the Lease and any and all documents and agreements necessary to complete such financing.

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Section 3. That the revenue in the following account of Fund No. 3230, the Equipment Lease Capital Acquisition Fund, is hereby estimated in the following amount:

AL-3230-120000-583000 Reimbursement from Bank or Lease Co. \$918,000.00

Section 4. That the sum of \$918,000.00 is hereby appropriated from the Unappropriated Fund Balance of Fund No. 3230, the Equipment Lease Capital Acquisition Fund, to the following account:

AL-3230-238027-B-238027GN_IMPROV	Gender Neutral Renovations	\$768,000.00
AL-3230-107002-B-10007002__ADA	Compliance Renovations	<u>150,000.00</u>
	TOTAL	\$918,000.00

Section 5. That the Chief of the Fire Department is hereby designated as requisitioning authority for Account No. AL-3230-238027-B and that the City Manager is hereby designated as requisitioning authority for Account No. AL-3230-107002-B.

Section 6. That the Director of Finance is hereby authorized to close the project account upon project completion and return the unspent portion of the appropriation to the Fund Balance from which it came.

Section 7. That the City hereby declares its official intent to reimburse itself for certain expenditures made within sixty (60) days prior to or on and after the date of this ordinance with respect to the Project with the proceeds of lease expected to be drawn from the Lease. The maximum principal amount expected to be financed under this lease is \$918,000.00. This constitutes a declaration of official intent under Treasury Regulation Section 1.150-2.

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

Randall J. Landes
Director of Finance

Approved as to form and legality:

Sarah Baxter
Assistant City Attorney