

**RESOLUTION NO. 2257-08**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR  
ADOPTING A RESOLUTION APPROVING AN AMENDED AND RESTATED  
MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF WINDSOR,  
THE TOWN OF WINDSOR REDEVELOPMENT AGENCY, AND THE WINDSOR  
FIRE PROTECTION DISTRICT AND AUTHORIZING THE TOWN MANAGER TO  
EXECUTE IT ON BEHALF OF THE TOWN**

**WHEREAS**, the Town of Windsor ("Town"), the Windsor Redevelopment Agency ("Agency") and the Windsor Fire Protection District ("District") wish to secure for the residents of Windsor enhanced levels of fire protection and Emergency Medical Services by facilitating the construction, acquisition of equipment and operation of a Fire Station No. 2; and

**WHEREAS**, the District and the Town previously entered into a Real Estate Purchase Agreement, dated October 1, 2002, ("Original Purchase Agreement") pursuant to which the Town and District agreed to exchange parcels of real property in connection with the acquisition and construction of Fire Station No. 2; and

**WHEREAS**, the District and the Town subsequently entered into a Memorandum of Understanding ("Original MOU") on September 21, 2006, which amended the Original Purchase Agreement; and required the Town to construct a new fire station for the District; required the Town to buy the District's property located at 444 Windsor River Road; and required the Town to collect and administer the Fire Facilities Impact Fees; and

**WHEREAS**, the Town's proposed financing plan requires the Town to control the site of the new station until the debt incurred by the Town to build the project is retired therefore requiring the 2006 Original MOU to be amended and restated; and

**WHEREAS**, in general, the amended and restated Memorandum of Understanding establishes the manner by which the Town, the Redevelopment Agency and the District will continue to cooperatively provide for the construction, acquisition of equipment and operation of the new Fire Station No. 2; and

**WHEREAS**, among others, the following requirements are included in the amended and restated MOU:

- Upon completion of construction of Fire Station No. 2, said station will be leased to the District pursuant to a sub-lease between the Town and the District, and upon repayment of the Town/Authority Bonds issued for the financing of Fire Station No. 2, ownership of the Station Site and the facility will be conveyed to the District.
- The Town will pay the District \$220,000 for the District's property located at 444 Windsor River Road.

- The Town is responsible for the construction of the new station however the maximum bonded indebtedness that will be incurred shall not exceed \$8.4 million. This amount is estimated to generate actual project funding of up to \$7 million. The Town will finance the construction solely through bond financing and will contribute no other funds to the project.
- Should there be a funding shortfall, funding will be provided by the Fire Facilities Impact Fee Fund. If that fund is exhausted, the Town's obligation to pay the District \$220,000 for District property located at 444 Windsor River Road will be reduced accordingly. And finally, if a shortfall still remains, the Town and the District agree to fund it in a manner mutually determined and agreed upon.
- The District is responsible for all costs of the operation and maintenance of Fire Station No.2 as soon as the station is ready for occupancy.

**NOW, THEREFORE BE IT RESOLVED** that the Town Council of the Town of Windsor adopts a resolution approving an amended and restated Memorandum of Understanding between the Town of Windsor, the Town of Windsor Redevelopment Agency, and the Windsor Fire Protection District and authorizes the Town Manager to execute it on behalf of the Town.

**PASSED, APPROVED AND ADOPTED** this 2nd day of April 2008 by the following vote:

**AYES: COUNCILMEMBERS ALLEN, PARKER, SALMON AND  
MAYOR FUDGE**  
**NOES: NONE**  
**ABSTAIN: NONE**  
**ABSENT: VICE MAYOR GOBLE**

  
**DEBORA FUDGE, MAYOR**

**ATTEST:**

  
**MARIA DE LA O, TOWN CLERK**