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APPROVED AS TO FORM AND LEGALITY

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 901898 C.M.S.

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO 1) AMEND THE CITY OF OAKLAND'S CONTRACT WITH ENOVITY INC. TO INCLUDE THE CALIFORNIA ENERGY COMMISSION'S ENERGY CONSERVATION ASSISTANCE ACT LOW-INTEREST LOAN PROGRAM; 2) EXECUTE A 20-YEAR LOAN AGREEMENT FOR A LOW-INTEREST LOAN IN AN AMOUNT NOT TO EXCEED THREE MILLION DOLLARS (\$3,000,000) TO ADDRESS CRITICAL REPAIRS AT THE OAKLAND ICE CENTER; AND 3) ACCEPT AND APPROPRIATE A FEDERAL INVESTMENT TAX CREDIT DIRECT PAYMENT IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED FIFTY SEVEN THOUSAND SIX HUNDRED EIGHTY DOLLARS (\$457,680); AND AUTHORIZING BIENNIAL PAYMENTS IN AN AMOUNT NOT TO EXCEED EIGHTY-THREE THOUSAND ONE HUNDRED TWENTY-THREE DOLLARS (\$83,123) OVER THE LIFE OF THE LOAN**

**WHEREAS**, the Oakland Ice Center is a City-owned recreational facility located at 519 18th Street in the Uptown area of downtown Oakland; and

**WHEREAS**, the Oakland Ice Center serves as a vital hub for youth recreation and community engagement in Downtown Oakland, providing essential recreational opportunities for the residents of the City of Oakland; and

**WHEREAS**, the Oakland Ice Center requires significant critical repairs to its refrigeration system in order to stay in operation and compliant with the Environmental Protection Agency's refrigerant regulations; and

**WHEREAS**, funding available through the California Energy Commission's (CEC) Energy Conservation Assistance Act (ECCA) is available to facilitate these critical repairs, energy efficiency improvements, and the installation of additional solar panels at the Oakland Ice Center; and

**WHEREAS**, the CEC's ECCA program offers one-percent interest rate loans to public entities to finance the up-front costs of energy efficiency and energy generation projects, energy storage systems, and electric vehicle charging infrastructure. The maximum loan amount under the program is \$3 million and loans must be repaid from energy cost savings within 20 years; and

**WHEREAS**, this project will result in a Federal Clean Electricity Production Tax Credit Direct Payment under the Inflation Reduction Act in an amount not to exceed \$457,680 to the City

**WHEREAS**, Enovity will submit the application to the ECCA program on behalf of the City and manage construction and, upon verification by City staff of progress made on the project, Enovity will receive progress payments for their work directly from the CEC; and

**WHEREAS**, the City will make payments on the loan twice per year in an amount up to \$83,123 biannually from a Fund to be determined, Sustainability and Energy Group Org (02161), and in a Project to be determined, however, the cost of the payments will be covered by the energy savings generated resulting in no net cost to the City; and

**WHEREAS**, this funding source is the most cost-effective and timely approach to make critical repairs to the Oakland Ice Center; and

**WHEREAS**, additional funding will still be needed to cover the full cost of replacing the refrigeration system; and

**WHEREAS**, the addition of solar panels to the Ice Center supports goals set forth in Oakland's Equitable Climate Action Plan; and

**WHEREAS**, Enovity Inc., as a contracted entity with the City of Oakland, has provided turnkey energy efficiency projects utilizing 0% funding through Pacific Gas and Electric's On-Bill-Financing program; and

**WHEREAS**, an amendment to Enovity Inc.'s existing contract is necessary to facilitate the application, acceptance and utilization of the 1% loan funding offered by the California Energy Commission for the critical repairs and solar panels at the Oakland Ice Center; and

**WHEREAS**, the amendment to Enovity Inc.'s existing contract will provide access to the 1% loan funding offered by the California Energy Commission and keep the remaining provisions of the existing contract in place; now, therefore be it

**RESOLVED:** That the City Administrator is authorized to execute on behalf of the City, by electronic signature, the amendment to Enovity Inc.'s existing contract to incorporate the necessary provisions to accept and utilize the funding from the California Energy Commission, including extension of the term of the existing contract; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to enter into a loan agreement for a loan in an amount not to exceed Three Million Dollars (\$3,000,000)

**FURTHER RESOLVED:** That the Federal Clean Electricity Production Tax Credit Direct Payment under the Inflation Reduction Act in an amount not to exceed \$457,680 shall be deposited and appropriated in a Fund to be determined, Sustainability and Energy Group Org (02161), and in a Project to be determined;

**FURTHER RESOLVED:** That the City Administrator is authorized to take any other action necessary and consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA,      APR 16 2024

PASSED BY THE FOLLOWING VOTE:

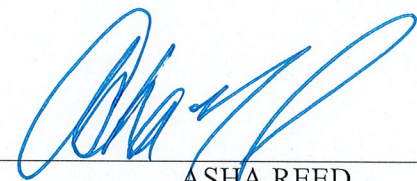
AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California