

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 MAR -4 AM 11:41

OAKLAND CITY COUNCIL

RESOLUTION No. 84219 C.M.S.

REVISED

Approved as to Form and Legality

City Attorney

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO: (A) IMPLEMENT A SOLAR POWER PROCUREMENT PROJECT BY SIGNING A MEMORANDUM OF UNDERSTANDING WITH ALAMEDA COUNTY FOR THE REGIONAL RENEWABLE ENERGY PROCUREMENT PROJECT; AND (B) ENTER INTO SOLAR POWER PURCHASE AGREEMENTS WITH CONTRACTOR(S) SELECTED THROUGH THE COUNTY'S REGIONAL RENEWABLE ENERGY REQUEST FOR PROPOSALS IN AN AMOUNT NOT TO EXCEED THREE-MILLION TWO-HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$3,225,000) DURING THE TERM OF THE AGREEMENT; AND (C) APPROPRIATE RELATED INCENTIVES; ALL WITHOUT RETURNING TO COUNCIL

WHEREAS, the City's Energy and Climate Action Plan calls upon Oakland to use 62 million kilowatt-hours of electricity from renewable sources to help achieve the goal of reducing community-wide greenhouse gas emissions by 36% below 2005 levels by 2020; and

WHEREAS, the County of Alameda, in association with Joint Venture Silicon Valley and Contra Costa Economic Partnership, has established the Regional Renewable Energy Procurement (R-REP) project with the intention of installing solar panels at approximately 170 sites owned by public agencies throughout Alameda, Contra Costa, San Mateo, and Santa Clara Counties totaling up to 40 megawatts of solar energy; and

WHEREAS, the City has viable sites for renewable energy projects, capable of generating approximately ~~376~~ 300 kilowatts of power and approximately 500,000 kilowatt-hours of electricity annually; and

WHEREAS, a Power Purchasing Agreement (PPA), including related roof access agreements, will allow the City to purchase renewable energy from a contractor with maintenance provided by the contractor, at prices that may result in annual electricity costs that are less than the amount the City would otherwise pay Pacific Gas and Electric Company (PG&E), and with the option for the City to purchase the associated generation systems at fair market value at the end of the agreement; and

WHEREAS, R-REP provides participants with access to many County-solicited contractors, reduced project management cost, free technical and financial consultant assistance through the contract negotiations, reduced PPA cost by bundling projects with other participants' sites; and

~~**WHEREAS**, the Oakland Municipal Code (OMC), Section 2.04.080 — Cooperative Purchasing Agreement states, "Where advantageous for the city, the City Administrator may purchase supplies or services as defined in Section 2.04.010, through legal contracts of other governmental jurisdictions or public agencies without further contracting, solicitation, or formal bidding"; and~~

WHEREAS, the City will appropriate available rebates in the estimated amount of \$67,000 ~~\$60,000~~ from the California Solar Initiative or assign them to a PPA contractor, PPA Contractors will have access to a Federal Tax incentive through December 31, 2016, and may depreciate these systems under the Modified Accelerated Cost Recovery System (MACRS) available through 2016; therefore, now be it

RESOLVED: That it is in the best interest of the City to enter into an MOU with the County to participate in the R-REP program; and be it

FURTHER RESOLVED: the City Administrator or her designee is authorized to sign the MOU with the County; and be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to enter into a PPA, in an amount not to exceed \$3,225,000 during the term of the agreement provided that annual payments are less than the amount that the City would otherwise pay PG&E and less than \$120,000 in the first year, with Contractors selected through the R-REP process without returning to Council; and be it

FURTHER RESOLVED: That any PPA entered into by the City and any contractor(s) selected through the County of Alameda R-REP process shall comply with the City's hiring policies, which seeks to employ Oakland residents; and be it

FURTHER RESOLVED: That any PPA entered into by the City and any contractor(s) selected through the County of Alameda R-REP process shall comply with the City's local/small local business participation policies; and be it

FURTHER RESOLVED: That an informational report shall be provided to the City Council after a contractor and project sites are selected; and be it

FURTHER RESOLVED: That related incentives be appropriated to energy projects; and be it

FURTHER RESOLVED: That the City Administrator or her designee is hereby authorized and empowered to approve any subsequent amendments to or extensions of said agreement with the exception of those related to an increase in total compensation or the allocation of additional funds, provided that such amendments or extensions shall be reviewed by the City Attorney and filed with the City Clerk's Office; and be it

FURTHER RESOLVED: That a copy of the agreement will be on file in the City Clerk's Office and will be approved by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 19 2013, 20

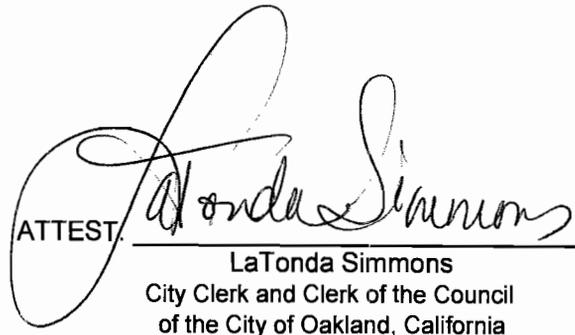
PASSED BY THE FOLLOWING VOTE:

AYES - ~~BRUNO~~, GALLO, KALB, KAPLAN, McELHANEY, ~~LEE~~, SCHAAF and PRESIDENT KERNIGHAN - 6

NOES - Brooks, Reid - 2

ABSENT - 0

ABSTENTION - 0

ATTEST. 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California