

ORIG. #50  
2-21-06

(O-2006-89)

ORDINANCE NUMBER O- 19465 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 23 2006

AN ORDINANCE OF THE CITY OF SAN DIEGO AUTHORIZING A 20-YEAR POWER PURCHASE AGREEMENT WITH SUN EDISON SD, LLC, FOR THE PURCHASE OF ELECTRICITY AT THE ALVARADO WATER FILTRATION PLANT; ALLOWING SUN ENERGY SD TO FINANCE, INSTALL, OWN, OPERATE, MAINTAIN, AND GENERATE RENEWABLE ENERGY AT THE ALVARADO FILTRATION PLANT; AUTHORIZING OTHER POWER PURCHASE AGREEMENTS WITH SUN EDISON SD SUBJECT TO CITY COUNCIL APPROVAL; AND FINDING NO ENVIRONMENTAL IMPACT.

WHEREAS, in furtherance of the City's goal for energy independence and energy cost savings, Sun Edison SD, LLC, submitted a prevailing proposal to sell renewable photovoltaic energy at the City's Alvarado Water Filtration Plant; and

WHEREAS, a Power Purchase Agreement and Site License Agreement with Sun Edison SD, LLC, will result in energy cost savings to the Alvarado Water Filtration Plant over the term of the agreement and will further result in benefits to the environment; and

WHEREAS, it was the intent of the Request for Proposals issued in connection with said agreement that other similar projects would be negotiated between the City and Sun Edison SD, LLC, in the next five years; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the Mayor or his duly authorized designee is authorized to execute, for and on behalf of the City, a twenty-year agreement with Sun Edison SD, LLC, for the purchase

of up to 1.39 million kilowatt hours annually of electricity for the City's Alvarado Water Filtration Plant, under the terms and conditions set forth in the Power Purchase Agreement and Site Lease Agreement, on file in the office of the City Clerk as Document Number OO- 19465.

Section 2. That pursuant to the terms of said agreement, the Council allows Sun Edison SD, LLC, to finance, install, own, operate, maintain, and generate renewable energy from photovoltaic sources at the Alvarado Water Filtration Plant.

Section 3. That for five years from the effective date of this Ordinance, the Mayor or his duly authorized designee is further authorized to negotiate, for and on behalf of the City, other power purchase agreements with Sun Edison SD, LLC, for Sun Edison to finance, own, install, operate, and maintain photovoltaics at other City-owned facilities, provided that such future power purchase agreements are first submitted to the Council for consideration and approval.

Section 4. That this activity is categorically exempt from the California Environmental Quality Act, CEQA Guidelines section 15301(b), because it involves existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.

Section 5. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 6. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Frederick M. Ortlieb  
Frederick M. Ortlieb  
Deputy City Attorney

FMO:mb  
01/25/06  
Aud.Cert:N/A  
Or.Dept:ESD  
O-2006-89

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at its meeting of FEB 21 2006.

ELIZABETH S. MALAND, City Clerk

By Maurice E. Kettelman  
Deputy City Clerk

Approved: Feb 23, 06  
(date)

Jerry Sanders  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

**The City of San Diego  
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

**CERTIFICATE OF UNALLOTTED BALANCE**  
ORIGINATING

AC 2600562  
DEPT. \_\_\_\_\_  
NO.: 760

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \_\_\_\_\_ Fund: \_\_\_\_\_

Purpose: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
<b>TOTAL AMOUNT</b>										

FUND OVERRIDE

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$167,040.00

Vendor: Sun Edison SD LLC

Purpose: To authorize the expenditure of \$167,040.00 for the purchase of renewable energy for the Alvarado Filtration Plant.

Date: January 25, 2006 By: Debra Oestreich  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	41500	760	506	5101	50600				\$167,040.00
<b>TOTAL AMOUNT</b>										

FUND OVERRIDE