

RESOLUTION NUMBER R- 303880
DATE OF FINAL PASSAGE JUN 26 2008

A RESOLUTION OF THE CITY OF SAN DIEGO AUTHORIZING AN AGREEMENT WITH THE CALIFORNIA CENTER FOR SUSTAINABLE ENERGY; AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE FIRST PHASE OF THE AGREEMENT; AND ACCEPTING ENERGY INCENTIVE FUNDS FROM THE CALIFORNIA PUBLIC UTILITIES COMMISSION.

WHEREAS, the City of San Diego's Metropolitan Wastewater Department [MWWD] has identified energy saving improvements under its Master Energy Plan; and

WHEREAS, by Decision No. D.05-09-043, the California Public Utilities Commission [CPUC] has allocated funding for San Diego Gas & Electric Company to develop energy efficiency projects in its service area from 2006-2008; and

WHEREAS, the California Center for Sustainable Energy [CCSE], a not-for-profit corporation, submitted a proposal pursuant to SDG&E's Energy Efficiency Bid solicitation to administer a program to assist development of energy efficiencies for Tax Exempt Customers [TEC Program]; and

WHEREAS, SDG&E and the CPUC have accepted and approved funding for the TEC Program, and

WHEREAS, CCSE has been selected by SDG&E as the sole administrator of the TEC Program; and

WHEREAS, MWWD is a tax exempt entity eligible for TEC Program projects; and

WHEREAS, MWWD has proposed energy efficiency projects for certain of its facilities to be funded by the TEC Program as Phase 1, with other facilities to be identified in future Phases if the parties can agree to terms of those Phases; and

WHEREAS, MWWD and CCSE desire to enter into a Master Agreement and a Phase 1 to begin retrofitting MWWD facilities with energy efficiencies partly funded by the TEC Program; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor or his designee is authorized to execute, for and on behalf of the City, a four-year, phase-funded, sole-source agreement with California Center for Sustainable Energy, to provide energy efficiency improvements to Metropolitan Wastewater Department facilities, under the terms and conditions set forth in the Customer Service Master Agreement, on file in the office of the City Clerk as Document No. RR- 303880.

BE IT FURTHER RESOLVED, that Phase 1 of the agreement is authorized in an amount not to exceed \$310,000 under the terms and conditions contained in Exhibit A of the Master Agreement.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$1,400,000 from Sewer Operating Fund No. 41508 is authorized, solely and exclusively to provide funds for the above agreement, to be expended as follows:

\$310,000 from Fiscal Year 2008 appropriations, for Phase 1 of the agreement;

\$390,000 from Fiscal Year 2009 appropriations for Phase 2 of the agreement, contingent on the Council's approval of the Fiscal Year 2009 operating budget and provided that the City Auditor and Comptroller furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer;

\$350,000 from Fiscal Year 2010 appropriations for Phase 3 of the agreement, contingent on the Council's approval of the Fiscal Year 2010 operating budget and provided that the City Auditor and Comptroller furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer; and

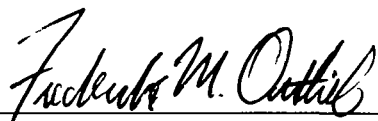
\$350,000 from Fiscal Year 2011 appropriations for Phase 4 of the agreement, contingent on the Council's approval of the Fiscal Year 2011 operating budget and provided that the City Auditor and Comptroller furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer.

BE IT FURTHER RESOLVED, that the Mayor or his designee is authorized to enter into subsequent Phases of the agreement, as provided by the City Charter and the Municipal Code and provided that the California Public Utilities Commission continues the Tax Exempt Incentive Program.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is authorized to accept revenue from the California Public Utilities Commission under its Tax Exempt Customer Incentive Program due to the City's energy conservation projects completed through Phase 4 of the above agreement, in the estimated amount of \$385,000 and to deposit such revenue into Account No. 78552.

BE IT FURTHER RESOLVED, that the above activity is not a project and therefore is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines section 15060(c)(3) and Phase 1 energy efficiency projects are categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15301 as the repair and reconstruction of existing sewer structures and facilities.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Frederick M. Ortlieb
Deputy City Attorney

FMO:mb
06/06/08
Aud.Cert:2800793
Or.Dept:MWWD
MWD-8077
R-2008-856

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego,
at its meeting of JUN 24 2008.

ELIZABETH S. MALAND, City Clerk

By 
Deputy City Clerk

Approved: 6-26-08
(date)


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 2800793
DEPT NO 772

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 _____

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

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 \$310,000 00

Vendor California Center for Sustainable Energy (CCSE)

Purpose Authorizing the Customer Service Agreement to provide energy efficiency improvements to various Metropolitan Wastewater Department facilities and authorizing the expenditure of funds for Phase 1 funding of the agreement

Date May 14, 2008 By L Chim 

ACCOUNTING DATA											
ACCTG LINE	CY PY	FUND	DEPT	ORG	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT	
01	0	41508	771	160	4122	021550					162,630 00
02	0	41508	772	801	4122	021550					147,370 00
TOTAL											\$310,000 00

AC-361 (REV 2-92)

FUND OVERRIDE

R 303880

JUN 24 2008

AC 2800793