

ORDINANCE NUMBER O- 20579 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 02 2015

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING AN AGREEMENT WITH SUNEDISON GOVERNMENT SOLUTIONS LLC TO OWN, OPERATE AND MAINTAIN SOLAR POWER GENERATION SYSTEMS FOR A PERIOD OF 20 YEARS AT SPECIFIED CITY FACILITY SITES AND TO PURCHASE ELECTRICITY FROM THE SOLAR POWER GENERATION SYSTEMS.

WHEREAS, San Diego Municipal Code section 22.3208 authorizes the City of San Diego (City) to use a cooperative procurement contract awarded by another agency where the City's Purchasing Agent certifies in writing that the cooperative procurement contract is in the City's best interests and complies with the City's policies, rules, and regulations; and

WHEREAS The Schools Project for Utility Rate Reduction (SPURR), a California Joint Powers Agency, issued a request for proposals for the installation of solar photovoltaic generating facilities on schools and other public facilities at various locations throughout California; and

WHEREAS, on December 5, 2014, based on the results of a competitive process that the City's Purchasing Agent has certified to conform with the City's own regulations, SPURR awarded and executed the Renewable Energy Aggregated Procurement Program Master Confirmation (REAP Master Confirmation) with SunEdison Government Solutions LLC (SunEdison); and

WHEREAS, The REAP Master Confirmation power purchase agreement with SunEdison is intended to provide transparent, pre-proposed and negotiated pricing and terms for solar projects and to be available for joint and cooperative use by other public agencies in California; and

WHEREAS, The City desires to have solar photovoltaic electric generating systems developed at twenty five City Sites on the basis of a power purchase agreement rather than City ownership of the solar generating systems; and

WHEREAS, the City of San Diego and SunEdison Government Solutions, LLC each wish to enter into a SPURR Master Confirmation Solar Power & Services Agreement for Sun Edison to finance, own, operate, and maintain solar photovoltaic systems at twenty five City Sites, and for the City to purchase the electricity generated by these systems from SunEdison for a twenty year term; NOW, THEREFORE,

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

Section 1. That the Mayor or his designee are hereby authorized to execute a SPURR Master Confirmation Solar Power & Services Agreement with SunEdison Government Solutions, LLC for that company to own, install, operate and maintain solar photovoltaic electric generating systems at twenty five City Sites for a period of twenty years, and for the City to purchase the electricity from the solar power generating systems, on terms and conditions provided in the Agreement on file in the Office of the City Clerk as Document No. OO-20579 together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this Agreement.

Section 2. That subject to Section 3 the Chief Financial Officer is authorized to expend funds required to be paid under the Solar Power and Services Agreement for electricity and environmental attributes furnished by SunEdison Government Solutions at each of the twenty five discrete City Sites, and more particularly in accordance with the Special Conditions applicable to each discrete City Site.

Section 3. That subject to the conditions of this Section, the amounts authorized to be paid by Section 2 shall be construed to be reauthorized annually each fiscal year for a period of twenty years from the effective date of the Solar Power and Services Agreement; those conditions being that the payments shall be paid from the applicable annual City departmental energy budgets for each City Site for a total amount not exceed \$1.5 million annually; shall be contingent upon the adoption of the Fiscal Year 2017 Annual Appropriation Ordinance and the Annual Appropriation Ordinance for each fiscal year thereafter; and shall be contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

Section 4. That the City Auditor and Comptroller, upon advice from the administering department, is authorized to transfer excess funds, if any, from the annual appropriation for any one City Site facility to any other City Site facility under the Agreement, or to the appropriate reserves.

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

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

FMO:mt  
10/12/2015  
Doc. No. 1104515  
Or.Dept:DSD

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of NOV 17 2015.

ELIZABETH S. MALAND  
City Clerk  
By Elizabeth S. Maland  
Deputy City Clerk

Approved: 11/30/15  
(date)

Kevin L. Faulconer  
KEVIN L. FAULCONER, Mayor

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

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on NOV 17 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 02 2015

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

NOV 03 2015, and on DEC 02 2015

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California

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