

ORDINANCE NUMBER O- 21582 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 14 2022

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING (1) A FIRST AMENDMENT TO GE INTELLIGENT CITIES PURCHASE AND SERVICE AGREEMENT (ICPSA) BETWEEN THE CITY OF SAN DIEGO (CITY) AND CURRENT LIGHTING HOLDCO, INC., AND (2) A FIRST AMENDMENT TO THE CALIFORNIA MASTER LEASE AGREEMENT BETWEEN THE CITY AND GE HFS, LLC.

WHEREAS, the Council of the City of San Diego adopted San Diego Ordinance O-20784 (Jan. 18, 2017), authorizing agreements that became effective February 10, 2017 between the City of San Diego (City) and Current powered by GE for an Intelligent Cities Purchase and Sale Agreement (ICPSA), and between the City and GE Government Finance, Inc. for a California Cities Master Lease Agreement (CAMLA), all for the lease-purchase by the City of certain lighting products and intelligent lighting systems and services; and

WHEREAS, on April 1, 2019 Current, powered by GE assigned all of its interests in the ICPSA to Current Lighting Holdco, Inc. (CLHI); and

WHEREAS, on May 21, 2021, GE Government Finance, Inc. assigned all of its interests in the CAMLA to GE HFS, LLC (GE HFS); and

WHEREAS, the products and services provided under the ICPSA fall into two distinguishable categories, (1) lighting systems and controls, and (2) an intelligent system using sensors and data controls known as the City IQ system and services; and

WHEREAS, on April 30, 2020, CLHI sold substantially all of its interest in the City IQ business (consisting of all Intelligent Cities systems and technology other than that related to lighting systems and controls) to a third party, and assigned to the third party all rights, obligations, and liabilities related to City IQ (the "City IQ Component"), while retaining the

rights, liabilities, and obligations under the ICPSA which solely relate to lighting equipment, controls, and services (the "Lighting Component"); and

WHEREAS, at this time the City, CLHI, and GE HFS desire to document the division of the ICPSA and the reservation of the Lighting Component from the April 30, 2020 assignment of the ICPSA to a third party, and to enter amendments to the ICPSA and CAMLA that will release all outstanding lighting control service invoices and return equipment purchase advances under the ICPSA together with City's covenant to finance no further GE lighting equipment purchases under the CAMLA; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff [including information provided by affected third parties and verified by City staff], with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

Section 1. That the Mayor, or his designee, is authorized to execute, for and on behalf of the City, an Assignment Acknowledgment and Amendment to Lighting Equipment/Controls Services and Master Lease Funding Agreements providing for a First Amendment to the Intelligent Cities Purchase and Sale Agreement between the City and Current Lighting Holdco, Inc., and for a First Amendment to the California Master Lease Agreement between the City and GE HFS, Inc., according to the terms and conditions of the document on file in the Office of the City Clerk as Document No. 21582.

Section 2. That the Chief Financial Officer is hereby authorized to decrease the FY 2023 CIP Budget in Account No. ABT00003 by the amount of \$10,031,380.57, Citywide Energy Improvements, within Fund 400867, GEGF California Master Lease Agreement, for the purpose

of reducing funding that is no longer available as a result of the agreement amendments authorized by this ordinance.

Section 3. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Frederick M. Ortlieb
Frederick M. Ortlieb
Senior Deputy City Attorney

FMO:cw
10/18/22
Or.Dept: Sustainability & Mobility
CC No.: N/A
Doc. No.: 3118976

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of DEC 06 2022

ELIZABETH S. MALAND
City Clerk

By Kristell Medina
Deputy City Clerk

Approved: 12/14/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

DEC 06 2022

Passed by the Council of The City of San Diego on _____, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 14 2022

AUTHENTICATED BY:

TODD GLORIA

Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By Kristell Medina, 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 15 2022, and on DEC 14 2022

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 Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

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