

AGREEMENT CONTRACT ROUTING SHEET

Date Prepared: 3/12/19

Need Date: 3/15/19

PROCESSING DEPARTMENT:

Department: CAO Procurement & Contracts
Dept. Contact: Debbie McGill
Phone: 5928
Department Head Signature: 
Michele Weimer
Procurement & Contracts Manager /
Purchasing Agent

CONTRACTOR:

Name: NA – Resolution
Address: _____
Phone: _____
Org Code: 06028400
Project String _____
(if applicable): _____
Funding Source: _____

CONTRACTING DEPARTMENT: CAO / Facilities Division (Public Safety Facility)

Service Requested: Review & Approve

Description: Resolution (Govt Code 4217)

Contract Term: NA Contract Value: NA

COUNTY COUNSEL: (Must approve all contracts and MOU's)

Approved: Disapproved: _____ Date: 3/13/19 By: JDS

Approved: _____ Disapproved: _____ Date: _____ By: _____

See edits.

EL DORADO COUNTY COUNSEL
2019 MAR 13 AM 5:30

HR APPROVAL: WILL BE REVIEWED THROUGH WORKFLOW

RISK MANAGEMENT: WILL BE REVIEWED THROUGH WORKFLOW

PLEASE EMAIL FOR PICK-UP cda-csu@edcgov.us Thank you!

Janeth SanPedro

From: Janeth SanPedro
Sent: Monday, March 11, 2019 12:03 PM
To: 'Brandon Hartman'; Laura Schwartz; Russell Fackrell
Subject: RE: 4217 documents
Attachments: 4217 Agenda Item (2).doc; 4217 Board Resolution.doc

Attached are my edits and comments to the Resolution and the Board agenda item.

JANETH SANPEDRO | Sr. Deputy County Counsel
County of El Dorado
330 Fair Lane | Placerville, CA 95667
Office 530.621.5770 | Fax 530.621.2937

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From: Brandon Hartman [<mailto:brandon@terraverde.energy>]
Sent: Friday, March 8, 2019 1:45 PM
To: Laura Schwartz; Russell Fackrell
Cc: Janeth SanPedro
Subject: 4217 documents

Hi Laura, Russ,

I have updated the 4217 resolution and agenda item for the 3/19 BOS meeting. Please review and let me know if you have any questions, there are a couple of names and resolution numbers to be added. Also attached the Exhibit A's for both sites that will be attached to the Resolution. These are not updated to show the final design changes and Power Price change (PPA rate) because we do not have the pricing impacts from REC Solar as of yet. Preliminary estimates from REC solar indicate a 3% increase in PPA rate to accommodate the 15 foot minimum clearance, lighting installation, 24 foot column spacing, and \$50k increase to Site Improvement Cost in the CRA.

Thanks,

Brandon Hartman | **Program Manager**
TerraVerde Energy, LLC
1100 Larkspur Landing Circle, Suite 275
Larkspur, CA 94939
[Email](mailto:brandon@terraverde.energy) | 805.709.3067 | [Website](#)

BEFORE THE GOVERNING BOARD OF SUPERVISORS
OF THE COUNTY OF EL DORADO
EL DORADO COUNTY, CALIFORNIA

RESOLUTION NO. ~~FY~~ _____

RESOLUTION MAKING FINDINGS, AUTHORIZING AND APPROVING
~~POWER PURCHASE AGREEMENTS, PERFORMANCE GUARANTEES AND COST~~
~~REIMBURSEMENT AGREEMENT WITH REC SOLAR COMMERCIAL~~
~~CORPORATION, AND AUTHORIZING EXECUTION AND DELIVERY OF OTHER~~
DOCUMENTS, AND OTHER ACTIONS REQUIRED IN CONNECTION THEREWITH

WHEREAS, it is the policy of the State of California and the intent of the State Legislature to promote all feasible means of energy conservation and all feasible uses of alternative energy supply sources; and

WHEREAS, California Government Code Section 4217.10 et seq. authorizes a public agency to contract for energy services without going through a formal bid process if its governing body determines, at a regularly scheduled public hearing, public notice of which is given at least two weeks in advance, that the anticipated cost to the agency for the alternative energy project will be less than the anticipated marginal cost to the agency of electrical energy that would have been consumed by the agency in the absence of the energy services contract; and

WHEREAS, County of El Dorado ("County") desires to utilize a qualified contractor to design, construct, install, own, operate, and maintain solar photovoltaic facilities located at the Public Safety Facility parking lot and Public Safety Facility vacant land ("Solar Project") to reduce the steadily rising costs of meeting the energy needs at its facilities and generate cost savings; and

~~WHEREAS, TerraVerde Energy, LLC ("TerraVerde"), has provided the County with analysis showing the benefits of implementing certain energy conservation measures through the installation of certain solar photovoltaic systems, and TerraVerde's analysis ("Analysis") is attached hereto as Exhibit A and made part hereof by this reference; and~~

WHEREAS, the County proposes to enter into a power purchase agreement and related contract documents ("Power Purchase Agreement") for each Solar Project site, a Cost Reimbursement Agreement, and a lease agreement with REC Solar Commercial Corporation ("REC Solar"), pursuant to which REC Solar will design, construct, install, own, maintain, and operate on County property certain energy-saving improvements consisting of solar photovoltaic facilities the Solar Project and arrange with the local utility for interconnection of the facilities, which will generate energy for the sites on which such facilities are located; and

~~WHEREAS, the sites where such solar photovoltaic facilities ("Project") will be located are: Public Safety Facility parking lot and Public Safety Facility open lot; and~~

WHEREAS, TerraVerde Energy, LLC ("TerraVerde"), has provided the County with analysis showing the benefits of implementing certain energy conservation measures through the installation of certain solar photovoltaic systems, and TerraVerde's analysis ("Analysis") is attached hereto as Exhibit A and made part hereof by this reference; and

WHEREAS, the Analysis includes data showing that the anticipated cost to the County for the electrical energy provided by the Solar Project will be less than the anticipated marginal cost to the County of electrical energy that would have been consumed by the County in the absence of those purchases; and

~~WHEREAS, the Board of Supervisors County proposes to enter into the Power Purchase Agreement and Cost Reimbursement Agreement substantially in the form presented at this meeting, subject to such changes, insertions or omissions as the County's representative or their designee reasonably deems necessary following the Board's adoption of this Resolution provided such changes, insertions, or omissions do not change the price and term period of such agreement; and~~

WHEREAS, the County and REC Solar also contemplate entering into a lease agreement for the Solar Project site, which requires the consent and approval of the United States of America, acting through the Rural Housing Service ("USDA"), and County staff will return to the Board of Supervisors with the lease agreement after USDA approval; and

WHEREAS, pursuant to Government Code section 4217.12, the Board has held a public hearing, public notice of which was given at least two weeks in advance, to receive public comment; and

~~WHEREAS, the County's proposed approval of the Power Purchase Agreement whereby Company is required to perform the Project is a project for purposes of the California Environmental Quality Act ("CEQA"); and~~

~~WHEREAS, the Guidelines for CEQA, the Project is currently covered and discussed in the existing Environmental Impact Report ("EIR"); and~~

NOW, THEREFORE, based upon the above-referenced recitals, the Board hereby finds, determines and orders as follows:

1. The Board finds that the terms of the Power Purchase Agreement with REC Solar for each Solar Project site -are in the best interests of the County.

2. In accordance with Government Code section 4217.12, and based on data provided by the Analysis, the Board finds that the anticipated cost to the County for electrical energy provided by the Project under the Power Purchase Agreement will be less than the anticipated marginal cost to the County of electrical energy that would have been consumed by the County in the absence of those purchases.

Comment [A1]: Although GC 4217.1 appears to be intended for the public agency to make the necessary findings in one meeting, because we are doing a two-step process, the analysis and findings related to the lease agreement under subsection (a)(2) will need to be done at a later time.

Comment [A2]: CEQA discussion can be incorporated in the staff report. The solar farm and carport were analyzed and included in the EIR for the Public Safety Facility project. County consultant is reviewing if the selected RES-BCT option C is consistent with the EIR project description or will require an EIR Addendum.

3. The Board hereby approves and authorizes the Chair to execute the Power Purchase Agreement for each Solar Project site and Cost Reimbursement Agreement which shall be subject to such changes, insertions or omissions as the County's ~~representative~~ Chief Administrative Officer or their designee reasonably deems necessary provided such changes, insertions, or omissions do not change the price and term period of such agreement.

4. ~~The County's representative or designee is hereby authorized and directed to negotiate any further changes, insertions and omissions to the Power Purchase Agreement as they reasonably deems necessary, and thereafter to execute and deliver the Power Purchase Agreement following the Board's adoption of this Resolution. The County's representative~~ Chief Administrative Officer or designee is further authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and said agreements.

~~The foregoing Resolution was adopted at a meeting of the Governing~~ **PASSED AND ADOPTED** by the Board of Supervisors of the County of El Dorado at a regular meeting of the Board held on March-19th day of March, 2019, by the following vote of said Board:

AYES:

NOES:

ABSTAIN:

ABSENT:

NAME Sue Novasel, Chair, Board of Supervisors
Governing Board of Supervisors
El Dorado County, California

CERTIFIED TO BE A TRUE
AND CORRECT COPY ATTEST:
James S. Mitrising
Clerk of the Board of Supervisors

By _____

NAME, Clerk Deputy Clerk
Governing Board of Supervisors
El Dorado County, California

EXHIBIT A
ANALYSIS OF BENEFITS

[Attached]