

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Lona Beach, CA 90802-4664

RESOLUTION NO. RES-17-0057

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH MAKING FINDINGS FOR ENERGY SERVICES CONTRACTING AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A SOLAR ENERGY POWER PURCHASE AGREEMENT AND EASEMENT AGREEMENT, AND ANY NECESSARY DOCUMENTS AND AMENDMENTS THERETO, WITH PFMG SOLAR LONG BEACH, LLC

WHEREAS, the City of Long Beach ("City") owns and controls real property upon which the City desires to enter into a solar site easement agreement with PFMG Solar Long Beach, LLC, a Delaware limited liability company ("PFMG"), to install, operate and maintain in good repair solar energy systems on specified City sites ("Easement Agreement"); and

WHEREAS, City desires to purchase the output from the solar energy systems installed by PFMG at a negotiated fixed rate pursuant to a solar energy power purchase agreement ("PPA" or "Power Purchase Agreement"); and

WHEREAS, the proposed grant of easements to PFMG and purchase of energy from PFMG would decrease City's energy costs as well as City's dependence on fossil fuel electric generating resources and promote the generation of electricity from solar energy systems; and

WHEREAS, Government Code section 4217 *et seq.* provides that public agencies may enter into agreements under which the public agency may purchase the energy generated from the facilities constructed on the public agency's property under an agreement so long as certain findings are made by the agency's governing body; and

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1 WHEREAS, pursuant to Government Code section 4217.12, as a condition
2 of entering into an energy purchase agreement, the governing body must make a finding
3 that the anticipated cost to the entity for electrical energy services will be less than the
4 anticipated marginal cost to the entity of electrical or other energy that would have been
5 consumed by the entity; and

6 WHEREAS, Government Code section 4217.12 requires the governing
7 body of a public entity to also find that the difference, if any, between the fair market
8 value for the License Agreement and the agreed rent payment, if any, is anticipated to be
9 offset by below-market energy purchases or other benefits provided under the proposed
10 PPA;

11 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
12 follows:

13 Section 1. The recitals above are true and correct.

14 Section 2. The City Council hereby finds, pursuant to Government Code
15 section 4217.12, that (i) the anticipated cost to City for electrical energy services to be
16 purchased by City from PFMG under a PPA will be less than the anticipated marginal
17 cost to City of electrical or other energy that would have been consumed by the City in
18 the absence of a PPA; and (ii) the difference, if any, between the fair market value of the
19 real property subject to the Easement Agreement and the agreed rent, if any, is
20 anticipated to be offset by below-market energy purchases or other benefits provided
21 under the PPA.

22 Section 3. The City Manager, or designee, is authorized to execute said
23 PPA and Easement Agreements, and any necessary documents and amendments
24 thereto.

25 Section 4. This resolution shall take effect immediately upon its adoption
26 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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I hereby certify that the foregoing resolution was adopted by the City
Council of the City of Long Beach at its meeting of June 6, 2017
by the following vote:

Ayes: Councilmembers: Gonzalez, Pearce, Supernaw,
Andrews, Austin,
Richardson,

Noes: Councilmembers: None,

Absent: Councilmembers: Price, Mungo, Iranga,



City Clerk