

RESOLUTION NO. 28623

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE SEVENTH AMENDMENT TO COOPERATIVE AGREEMENT TO IMPLEMENT ENERGY INDEPENDENCE PROGRAM EXTENDING THE COOPERATIVE AGREEMENT WITH SONOMA COUNTY FOR AN ADDITIONAL TEN YEARS AND MAINTAINING PARTICIPATION IN THE SONOMA COUNTY ENERGY INDEPENDENCE PROGRAM (SCEIP)

WHEREAS, the City of Santa Rosa entered into a cooperative agreement on April 14, 2009 (Agreement) with the County of Sonoma as a participant of the Sonoma County Energy Independence Program (SCEIP); and

WHEREAS, the City of Santa Rosa has been actively involved in promoting and cross marketing SCEIP as a key funding tool in helping Santa Rosa property owners make energy efficiency and renewable energy generation improvements to their homes and businesses; and

WHEREAS, participation in SCEIP has served to develop and implement projects to improve community energy efficiency, reduce energy use and greenhouse gas (GHG) emissions; and

WHEREAS, the City of Santa Rosa has established GHG emission reduction goals from both internal operations and from community-wide sources; and

WHEREAS, the SCEIP projects implemented within the City of Santa Rosa will assist in helping Santa Rosa achieve the GHG reduction goals; and

WHEREAS, the SCEIP program documents currently state that “carbon credits attributable to improvements financed by SCEIP, if any, shall be held jointly by the County of Sonoma (on behalf of the Sonoma County Energy Independence Program), by the Sonoma County Water Agency and by the Sonoma County Transportation Authority”; and

WHEREAS, the County and the City have agreed that prior to any desired change in ownership of SCEIP associated carbon credits and Renewable Energy Credits (RECs), the County and City will first meet and agree to a mutually beneficial decision for all participating SCEIP partners; and

WHEREAS, the City will continue to report any GHG reductions associated with the SCEIP program, that are within the City of Santa Rosa limits, towards it’s GHG reduction goals as appropriate; and

WHEREAS, there is accord to revise the Agreement by all parties and maintain SCEIP operations.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa authorizes the Seventh Amendment to Cooperative Agreement to Implement Energy Independence Program, attached hereto as Exhibit A, for ten years through March 31, 2025.

IN COUNCIL DULY PASSED this 31st day of March, 2015.

AYES: (6) Mayor Sawyer, Vice Mayor Coursey, Council Members Carlstrom, Combs, Schwedhelm, Wysocky

NOES: (0)

ABSENT: (1) Council Member Olivares

ABSTAIN: (0)

ATTEST:  City Clerk APPROVED:  Mayor

APPROVED AS TO FORM:

  
City Attorney

Attachment: Exhibit A – Seventh Amendment to Cooperative Agreement to Implement Energy Independence Program

**SEVENTH AMENDMENT TO COOPERATIVE AGREEMENT TO IMPLEMENT  
ENERGY INDEPENDENCE PROGRAM**

This Seventh Amendment to Cooperative Agreement to Implement Energy Independence Program ("Amendment") is made and entered into as of the 31<sup>st</sup> day of March, 2015, by and between the County of Sonoma ("County") and the City of Santa Rosa ("City").

Whereas the County and City entered into that certain Cooperative Agreement to Implement Energy Independence Program effective April 14, 2009 ("Agreement") to allow citizens of the City to participate in the Sonoma County Energy Independence Program ("SCEIP"); and

Whereas the Agreement was approved by the Santa Rosa City Council on April 14, 2009 pursuant to Resolution No. 27342; and

Whereas on March 16, 2010, the City Council adopted Resolution No. 27592 assenting to a first extension of the Agreement in order to provide the parties time to address the allocation of future carbon credits attributable to SCEIP; and

Whereas on September 28, 2010, the City Council adopted Resolution No. 27724 assenting to a further extension of the Agreement until October 31, 2011 for further discussions on the issue of further use and allocation of any carbon credits attributable to the SCEIP; and

Whereas on November 1, 2011, the City Council adopted Resolution No. 28003 assenting to a further extension of the Agreement until October 31, 2012 for further discussions on the issue of further use and allocation of any carbon and renewable energy credits attributable to the SCEIP; and

Whereas on October 30, 2012, the City Council adopted Resolution No. 28199 assenting to a further extension of the Agreement until October 31, 2013 for further discussions on the issue of further use and allocation of any carbon and renewable energy credits attributable to the SCEIP; and

Whereas on October 15, 2013, the City Council adopted Resolution No. 28360 assenting to a further extension of the Agreement until October 31, 2014 for further discussions on the issue of further use and allocation of any carbon and renewable energy credits attributable to the SCEIP; and

Whereas on October 7, 2014, the City Council adopted Resolution No. 28199 approving a further extension of the Agreement until April 30, 2015 for a final resolution to be developed on the issue of further use and allocation of any carbon and renewable energy credits attributable to the SCEIP; and

Whereas the City and the County have continued discussions regarding the future use and allocation of any carbon and renewable energy credits attributable to the SCEIP, and have come to an agreement; and


Whereas the City and the County desire to extend the time allowed under the Agreement to allow the residents of the City to continue participation in SCEIP for the next ten years.

Now, therefore, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

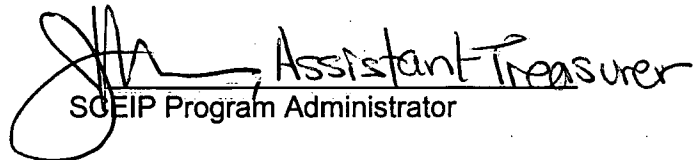
1. Extension of time. The parties agree that the term of the Agreement is hereby extended from March 31, 2015 for a period of ten (10) years and shall run through March 31, 2025.
2. Agreement Regarding Carbon and Renewable Energy Credits. During the extension term of the Agreement, the County shall notify the City in writing of any changes in the carbon and renewable energy credits ("Credits") markets that may affect the Credits' values. In the event of any such changes in the market that would allow the County, or any other entity under SCEIP that may have rights to the Credits to sell, trade or otherwise utilize the Credits, the County shall provide not less than one hundred and eighty (180) days written notice to the City of any such proposal or intent, and the City and the County shall first meet and agree to such proposal prior to taking any action regarding the Credits. The County and the City hereby further agree that any such action regarding utilization of the Credits must be to the mutual benefit of all of the parties participating in SCEIP.
3. The County hereby understands, acknowledges and agrees that the City has been and will continue to count the participation of its residents in SCEIP as contributing towards meeting its goals under the City's Climate Action Plan Resolution No.28116, Assembly Bill 32- the California Global Warming Solutions Act of 2006, and Executive Order S-0305 and nothing in the Agreement or the SCEIP precludes such counting by the City.

IN WITNESS WHEREOF, the parties hereto have executed this Seventh Amendment as set forth below.

CITY OF SANTA ROSA:

  
\_\_\_\_\_  
Mayor

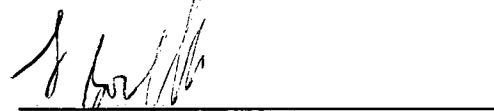
COUNTY OF SONOMA:

  
\_\_\_\_\_  
Assistant Treasurer  
SCEIP Program Administrator

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

APPROVED AS TO FORM:

  
\_\_\_\_\_  
County Counsel