

## **RESOLUTION NO.**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ENTERING INTO POWER PURCHASE AGREEMENTS AND RELATED CONTRACT DOCUMENTS WITH FOREFRONT POWER FOR FACILITIES AT THE CITY'S REAL PROPERTY SITES**

**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**, The City desires to reduce the steadily rising costs of meeting the energy needs at its facilities; and

**WHEREAS**, the City proposes to enter into Power Purchase Agreements and related contract documents with ForeFront Power (ForeFront) for facilities at the City's real property sites, pursuant to which Power Purchase Agreements ForeFront will design, construct, and install on City property solar photovoltaic facilities 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 proposed Solar Power Project encompasses the construction of Solar PV Systems at the following locations: City Well Number 12, Waste Water Treatment Plant, Civic Center, Police Department, Transit Yard, Paul Nelson Aquatic Center, James Hagerman Sports Center, and Minami Park; and

**WHEREAS**, ForeFront has provided the City with analysis showing the financial and other benefits of entering into the Power Purchase Agreements. This analysis is attached hereto as Exhibit A of the Agreement and made part hereof by this reference; and

**WHEREAS**, Exhibit A of the Agreement includes data showing that the anticipated cost to the City for the electrical energy provided by the solar photovoltaic and energy storage facilities will be less than the anticipated cost to the City of electrical energy that would have been consumed by the City in the absence of such measures; and

**WHEREAS**, ForeFront was the selected vendor for School Project for Utility Rate Reduction's (SPURR) Renewable Energy Aggregated Procurement (REAP) Program, a competitive statewide solar and energy storage Request for Proposals (RFP) process, and the City adopts the REAP Program's competitive process as its own.

**WHEREAS**, pursuant to Government Code section 4217.12, this Council held a public hearing, public notice of which was given two weeks in advance, to receive public comment; and

**WHEREAS**, the Power Purchase Agreements are in the best interests of the City;  
and

**WHEREAS**, the City's proposed approval of the Power Purchase Agreements is a "Project" for purposes of the California Environmental Quality Act ("CEQA"); and

**WHEREAS**, the Guidelines for CEQA, California Code of Regulations Title 14, Chapter 13 ("State CEQA Guidelines"), exempt certain projects from further CEQA evaluation, including the following: (1) projects consisting of the new construction or conversion of small structures ("Class 3 Exemption"; Cal. Code Regs., tit. 14, § 15303); (2) projects consisting of the construction or placement of minor accessory structures to existing facilities ("Class 11 Exemption"; Cal. Code Regs., tit. 14, § 15311); and (3) projects consisting of minor additions to existing schools ("Class 14 Exemption"; Cal. Code Regs., tit. 14, § 15314), and the Project is categorically exempt under one or more of such exemptions; and

**WHEREAS**, the Project does not involve any of the following and so is eligible for a categorical exemption as described above under State CEQA Guidelines section 15300.2:

- (a) the cumulative impact of successive projects of the same type in the same place, which over time are significant;
- (b) an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;
- (c) a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway;
- (d) a hazardous waste site which is included on any list compiled pursuant to Section 65962.5 of the Government Code; and
- (e) a project which may cause a substantial adverse change in the significance of a historical resource; and

**WHEREAS**, Public Resources Code, section 21080.35 (added by Stats.2011, c. 469 (S.B.226), § 3), statutorily exempts from CEQA evaluation the installation of a solar energy system, including associated equipment, on the roof of an existing building or at an existing parking lot; and

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the City Council of the City of Santa Maria, California, as follows:

1. That the Council approve the Power Purchase Agreements with ForeFront Power for the Department of Public Works Solar Power Project in accordance with Government Code section 4217.12.

2. In accordance with Government Code section 4217.12 and based on data provided by Exhibit A of the Agreement, the Council finds that the anticipated cost to the City for electrical energy provided by the Power Purchase Agreements will be less than the anticipated cost to the City of electrical energy that would have been consumed by the City in the absence of the Power Purchase Agreements.
3. That the City Manager, or designee, is authorized to approve and execute the Power Purchase Agreements with ForeFront Power.
4. The City Manager, or designee, is authorized and directed to negotiate any further changes, insertions and omissions to the Power Purchase Agreements as reasonably deemed necessary, and thereafter to execute and deliver the Power Purchase Agreements following the Council's adoption of this Resolution.
5. The Project hereby found to be exempt from the requirements of CEQA pursuant to the Class 3, Class 11 and Class 14 Exemptions, as described above. The Project is hereby found to be exempt from the requirements of CEQA pursuant to Public Resources Code, section 21080.35 (added by Stats.2011, c. 469 (S.B.226), § 3), as described above. City staff are hereby authorized to file and process a Notice of CEQA Exemption for the Project in accordance with CEQA and the State CEQA Guidelines, and the findings set forth in this resolution.
6. The Chief Deputy City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the Chief Deputy City Clerk shall consult with the City Manager and City Attorney concerning any changes deemed necessary.

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**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Santa Maria held this 7<sup>th</sup> day of November 2023.

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Mayor

ATTEST:

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Chief Deputy City Clerk

APPROVED AS TO FORM:

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City Attorney

APPROVED AS TO CONTENT:

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Department Director

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Interim City Manager